"SCREENCHECK" DRAFT
ENVIRONMENTAL IMPACT REPORT

FRANKLIN McKINLEY HOUSING PROJECT

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City of San José

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PREFACE

The City of San José (City) has determined that an Environmental Impact Report (EIR) is required for the proposed Franklin McKinley Housing Project. The City has prepared this document in conformance with the California Environmental Quality Act (CEQA) and CEQA Guidelines. This EIR provides information to assist public agency decision makers and the public to make informed decisions about the environmental impacts of this project.

In accordance with CEQA, the EIR provides objective information regarding the environmental consequences of the proposed project, and identifies possible means for avoiding, minimizing, and mitigating impacts. The EIR also examines various alternatives to the project to reduce or eliminate significant environmental impacts.

The following guidelines are included in CEQA to clarify the role of an EIR:

> **Section 15121(a). Informational Document**. An EIR is an informational document which will inform public agency decision makers and the public of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR, along with other information which may be presented to the agency.
>
> **Section 15151. Standards for Adequacy of an EIR**. An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good-faith effort at full disclosure.

According to the CEQA Guidelines, the purpose of an EIR is to identify the significant impacts of a project on the environment. The amendments define significant to be *a substantial adverse impact on the environment.* This EIR, therefore, discusses those impacts with the potential to have significant adverse impacts. This EIR also evaluates different areas of impact for each issue that is examined, depending upon the magnitude of the effect, as stated in Section 15143 of the CEQA Guidelines.

Section 15126.4(a) of the CEQA Guidelines states that *the discussion of mitigation measures shall distinguish between the measures that are proposed by project proponents to be included in the project, and other measures that are not included but could reasonably be expected to reduce adverse impacts if required as conditions of approval.* Thus, this EIR distinguishes between those mitigation measures included in the proposed project, and those that are not, but may be considered by the decision makers to be included in whole or in part as conditions of project approval.

SUMMARY

The project proposes the Planned Development prezoning and annexation of an 11.4-acre infill site, located at 350 Tully Road (APN 497-38-001) within the central portion of the City of San José, between Tenth Street and Senter Road. The site is adjacent to the Franklin McKinley School on a portion of the County of Santa Clara Fairgrounds. The project proposes the development of up to a total of 561 residential units on the site, including 201 senior citizen apartment units, 300 low- and mixed-income rental units, and 60 townhouse units. The overall density of the proposed project is 49.21 dwelling units per acre (DU/AC). The project site is owned by the County of Santa Clara, and the project would be developed by the Housing Authority of the County of Santa Clara and ROEM Development Corporation.

Following is a **brief summary** of project impacts and mitigation measures. The reader is referred to the main body text of the EIR for detailed discussions of the existing setting, impacts and mitigation measures.

ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
Land Use Impacts	
The project proposes residential uses which would be compatible with the surrounding neighborhood and would not result in significant land use compatibility impacts. **Less Than Significant Impact**	No mitigation is required or proposed. **Less Than Significant Impact**
The project would have no adverse impact on agricultural land or agricultural activities. **No Impact**	No mitigation is required or proposed. **No Impact**
While development of the project site would constitute a change from its current condition, the loss of open space resulting from the project would not be a significant impact. **Less Than Significant Impact**	No mitigation is required or proposed. **Less Than Significant Impact**

ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
Land Use Impacts (cont.)	
Construction activities would result in significant physical disturbance, and could cause temporary disruption to the adjacent land uses. **Significant Temporary Impact**	The project would implement a Construction Management Plan to minimize impacts on the surrounding sensitive land uses, particularly the Franklin McKinley School and nearby residences, to the fullest extent possible. As part of the Construction Management Plan, a construction liaison designated by the project applicant would coordinate information regarding construction phasing/operations and keep the neighborhood and school users informed of the stages of development. The construction liaison would also listen and respond to neighborhood concerns regarding construction. The Construction Management Plan would also include the following measures to minimize impacts of construction upon adjacent sensitive land uses: Early and frequent notification and communication with the neighborhood and school users of the construction activities, including the onset, expected consequences, and actual consequences of various construction activities, as well as a commitment to, whenever possible, reduce problems that result to those land uses. Plans for protecting children accessing the school during construction. Measures to control dust, noise and water pollution resulting from construction activities (refer to Sections *II. I. Air Quality*, *II. J. Noise*, and *II. D. Hydrology and Water Quality*, of this report). Measures to keep all streets, public ways, and storm drains clean of debris, dirt, dust and other undesirable outcomes of construction activities.

ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
Land Use Impacts (cont.)	
	Measures to control noise by limiting hours of operation of construction activities (from 7:00 A.M. to 7:00 P.M., Monday through Friday within 500 feet of any residential unit), to avoid more sensitive early morning and evening hours, and scheduling equipment selection (refer to Section *II. J. Noise*, of this report). Plans for activities that would generate significant noise and dust to occur as far from sensitive uses as possible. **(Mitigation Included in the Project)** **Less Than Significant Impact with Mitigation**
The project would not be subject to significant land use impacts from nearby land uses. **Less Than Significant Impact**	No mitigation is required or proposed. **Less Than Significant Impact**
Population, Jobs and Housing Impacts	
The project would not result in a significant impact due to substantial growth or concentration of population that is inconsistent with the General Plan. **Less Than Significant Impact**	No mitigation is required or proposed. **Less Than Significant Impact**

ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
Geology and Soils	
The project site is generally flat and the potential for erosion and siltation during construction is low. During periods of heavy rainfall, however, run-off can occur. Implementation of standard grading and best management practices would prevent substantial erosion and siltation during development of the site. With incorporation of standard grading and best management practices, the project would not result in significant erosion and siltation impacts during development of the site. **Less Than Significant Impact**	A detailed, design-level geotechnical investigation for the project would be completed by the applicant prior to Public Works clearance and issuance of building permits to address the potential geologic hazards on the site. The geotechnical investigation for individual buildings would be completed and submitted to the City Geologist prior to the commencement of construction. **(Mitigation Included in the Project)** A grading permit would be obtained prior to the issuance of a Public Works Clearance for the project. The applicant would conform with the requirements outlined in the grading permit. **(Mitigation Included in the Project)** **Less Than Significant Impact**
Although the project site is not located on or near an earthquake fault, it is within the seismically active San Francisco Bay Area, and moderate to severe ground shaking is probable during the useful life of the proposed buildings and parking areas. The proposed residential buildings would be designed and built in conformance with the requirements of the Uniform Building Code for Seismic Zone 4. The potential for geologic and soils impacts resulting from conditions on the site will be avoided by utilizing standard engineering and construction techniques. **Less Than Significant Impact**	Seismic hazards to the proposed project would be mitigated by utilizing construction practices in accordance with Seismic Zone 4 building criteria for residential structures, as described in the Uniform Building Code. **(Mitigation Included in the Project)** **Less Than Significant Impact**

ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
Hydrology and Water Quality Impacts	
The proposed residential project would replace most of these pervious surfaces with impervious surfaces, including the residential buildings, streets, and parking lot areas. Most of the stormwater falling on-site would flow into the storm drain system. The project would be designed to minimize additional runoff from the site and the project would not significantly alter the drainage patterns in the site area. **Less Than Significant Impact**	No mitigation is required or proposed. **Less Than Significant Impact**
Development of the project could cause a significant temporary increase in the amount of contaminants in stormwater runoff during construction, which could result in temporary impacts to surface water quality. **Significant Impact**	Prior to construction of the project, the City of San José would require that the applicant(s) submit a Stormwater Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Regional Water Quality Control Board. The SWPPP shall include control measures during the construction period for: soil stabilization practices; sediment control practices; sediment tracking control practices; wind erosion control practices; and non-storm water management and waste management and disposal control practices. **Mitigation Included in the Project)** The project would also comply with the City of San José Grading Ordinance, including erosion- and dust-control during site preparation, and with the City of San José Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction. **(Mitigation Included in the Project)**

Hydrology and Water Quality Impacts (cont.)

The project would also include provision for post-construction structural controls in the project design where feasible, and would include Best Management Practices (BMP) for reducing contamination in stormwater runoff as permanent features of the project. These BMPs and design features could include, for example: regular sweeping of parking lots and driveways; use of erosion control devices such as silt fences; installation of inlet features or similar controls in stormwater catch basins; vegetated swales; and stenciling on-site catch basins to discourage illegal dumping. **(Mitigation Included in the Project)**

The proposed 36-inch storm drain line in the private access road (shared with the adjacent Valley Health Center project) will be extended south as part of the proposed project, and will connect to the stormwater detention facility planned as part of the Fairgrounds Revitalization Project. This detention facility is being constructed by the County and will provide additional storage and retention capacity to offset the additional stormwater runoff that will be generated by the proposed project and the VHC project, in order to comply with the California Regional Water Quality Control Board's NPDES requirements (Provision C.3 of NPDES Permit Number CAS0299718). **(Mitigation Included in the Project)**

Less Than Significant Impact with Mitigation

ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
Biological Resources Impacts	
Construction activities such as tree removal, site grading, etc., could result in significant impacts to raptors nesting in trees on the site. **Significant Impact**	Implementation of the following mitigation measures would reduce the potential for project impacts to nesting raptors, including Red-tailed Hawks, to a less than significant level: Demolition and construction would be scheduled to avoid the nesting season to the extent feasible. The nesting season for most raptors in the area extends from January through August. **(Mitigation Included in the Project)** If it is not possible to schedule demolition and construction between September and January, then preconstruction surveys for nesting raptors shall be conducted by a qualified ornithologist or wildlife biologist to ensure that no raptor nests shall be disturbed during project implementation. This survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the qualified person shall inspect all trees in and immediately adjacent to the impact areas for raptor nests. If an active nest is found within 250 feet of the construction/demolition area to be disturbed by these activities, the ornithologist, in consultation with CDFG, would determine the extent of a construction-free buffer zone to be established around the nest. **(Mitigation Included in the Project)** **Less Than Significant Impact with Mitigation**

ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
Biological Resources Impacts (cont.)	
The project site does not provide suitable Burrowing Owl habitat. **No Impact**	There is a small potential that one or more Burrowing Owls could move onto the project site prior to the commencement of construction. Burrowing Owls, like many other bird species, are protected under both federal and state law and the harming of individual Owls during construction would be illegal. Therefore, although not mitigation under CEQA, the following tasks shall be undertaken in order to ensure that no individual Burrowing Owls are harmed: Within 30 days prior to the start of construction, a qualified wildlife biologist shall survey the project site for the presence of burrowing owls. If owls are found to be present, the applicant shall implement measures to prevent harm to the owls. Any action to relocate an owl shall be undertaken only upon approval of the California Department of Fish and Game. **(Included in Project)**
The project would result in the loss of 20 ordinance-sized trees, including five mature Coast Live Oak trees, which would be a significant impact. **Less Than Significant Impact**	The applicant would be required to replace all ordinance-size trees removed on the site. Healthy and mature trees would be incorporated into project landscaping design. All of the Coast Live Oaks on-site will be preserved. Ordinance-size trees would be preserved in place or removed, boxed, and replanted on-site as part of the project landscaping. For all ordinance-sized trees removed, four 15-gallon trees would be incorporated into project landscaping. For any oak trees removed, replacement trees would be locally grown oaks. **(Mitigation Included in the Project)** **Less Than Significant Impact**

ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
Hazardous Materials Impacts	
Development of the site would not expose future residents or workers at the site to a significant risk from hazardous materials contamination. **Less Than Significant Impact**	No mitigation is required or proposed. **Less Than Significant Impact**
The proposed project does not propose the use or storage of large quantities of hazardous materials on the site, and would not itself create the potential for significant impacts from hazardous materials to nearby land uses. **Less Than Significant Impact**	No mitigation is required or proposed. **Less Than Significant Impact**
There is a moderate likelihood that the baseball-related structures on-site (i.e., the bleachers and dugouts) are coated with lead-based paint. Demolition of the baseball field structures could expose construction workers or other persons in the vicinity to harmful levels of lead. The project would incorporate standard regulatory requirements to avoid any significant impacts. **Less Than Significant Impact**	As appropriate, a lead survey of painted surfaces and soil around the baseball field structures built prior to 1978 shall be performed prior to demolition. Requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations (CCR) 1532.1 would be followed during demolition activities, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed. **(Mitigation Included in the Project)** **Less Than Significant Impact with Mitigation**

ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
Cultural Resources Impacts	
The archival search, archaeological field inspection and subsurface testing of the project site determined that no known cultural resources are located on-site. The project is not anticipated to result in significant impacts to archaeological resources. **Less Than Significant Impact**	Although it is unlikely that buried cultural material would be encountered, standard conditions for excavation activities would be applied to the project, as described below. The project includes the following measures for all development activities that include excavation or disturbance of existing ground surface in order to avoid potential impacts to buried cultural resources. In the unlikely event that cultural materials are incidentally encountered or disturbed during project construction or utility trenching, all construction within a radius of 50-feet of the find shall be halted, the City's Director of Planning, Building and Code Enforcement would be notified, and the archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation and analysis of any significant cultural materials. A report of findings documenting any data recovered during monitoring shall be submitted to the Director of Planning, Building and Code Enforcement.

ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
Cultural Resources Impacts (cont.)	
	In the event that human skeletal remains are encountered on the site, the applicant shall immediately notify the County Coroner, as required by County Ordinance No. B6-18. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian Affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of State law and the Health and Safety Code. The Director of Planning, Building and Code Enforcement shall also be notified immediately if human skeletal remains are found on the site during development. **(Mitigation Included in the Project)** **Less Than Significant Impact**
No historic structures or resources were discovered on the project site. The materials uncovered during backhoe testing did not include any historic resources. The project would not result in impacts to significant historic resources. **No Impact**	No mitigation is required or proposed. **No Impact**
Transportation and Circulation Impacts	
The proposed project would not generate substantial additional peak hour traffic in the area or result in significant impacts to intersection operations. **Less Than Significant Impact**	No mitigation is required or proposed. **Less Than Significant Impact**

ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
Transportation and Circulation Impacts (cont.)	
Transit trips generated by the project would not significantly impact public transit service. **Less Than Significant Impact**	No mitigation is required. **Less Than Significant Impact**
	The following measures are included as part of the proposed project, in combination with the adjacent Valley Health Center project, to provide convenient transit access to residents of the project and to reduce traffic trips to and from the site: The project proposes to participate in the Santa Clara Valley Transportation Authority's (VTA's) Eco Pass Program. The project will offer participation in an existing Car-Share program to all future residents of the project site. The project applicant and the City of San José will work with VTA to ensure that bus stops and duckouts are provided at appropriate location(s). The specific locations and details of bus stops and duckouts will be determined and designed during the PD Permit stage. All bus stops and duckouts will be designed and constructed in conformance with VTA standards and Americans with Disabilities Act (ADA) requirements. The project will provide an easily accessible VTA paratransit services pick-up and drop-off location, which will be located near the senior housing building and will include a covered seating area for passengers. This paratransit stop will be designed and constructed in conformance with VTA standards and Americans with Disabilities Act (ADA) requirements.

ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
Transportation and Circulation Impacts (cont.)	
The expected moderate increase in vehicular traffic volumes would not significantly impact pedestrian or bicycle movements. **Less Than Significant Impact**	No mitigation is required or proposed. **Less Than Significant Impact**
The proposed project would provide sufficient parking to accommodate the proposed development and would not result in significant off-site parking impacts. **Less Than Significant Impact**	No mitigation is required or proposed. **Less Than Significant Impact**
The site would be accessed from Tully Road at the proposed signalized intersection of Tully Road/ Public Storage Driveway. The proposed project would not result in significant access and circulation impacts. **Less Than Significant Impact**	No mitigation is required or proposed. **Less Than Significant Impact**
The proposed project would not result in significant impacts to freeway segments. **Less Than Significant Impact**	No mitigation is required or proposed. **Less Than Significant Impact**
Air Quality Impacts	
The regional pollutant emissions generated by the project would not exceed the Bay Area Air Quality Management District's (BAAQMD's) thresholds of significance; therefore, the proposed project would not result in significant impacts upon regional air quality. **Less Than Significant Impact**	No mitigation is required or proposed. **Less Than Significant Impact**
The project would not cause any new violations of the federal or state 8-hour standards for carbon monoxide nor contribute substantially to an existing or projected violation. **Less Than Significant Impact**	No mitigation is required or proposed. **Less Than Significant Impact**

ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
Air Quality Impacts (cont.)	
Construction of the project could result in significant temporary impacts upon nearby sensitive receptors, including the existing residential neighborhood and the Franklin McKinley School. **Significant Temporary Impact**	The following construction practices would be implemented by the project during all phases of construction on the project site: 1) use dust-proof chutes for loading construction debris onto trucks; 2) use water to control dust generation during demolition of structures and break-up of pavement; 3) cover all trucks hauling demolition debris from the site; 4) water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind; 5) cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard; sweep daily (with water sweepers) all paved access road, parking areas and staging areas at construction sites; 6) sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets; 7) enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.); 8) install sandbags or other erosion control measures to prevent silt runoff to public roadways; and 9) replant vegetation in disturbed areas as quickly as possible. **(Mitigation Included in the Project)** **Less Than Significant Impact with Mitigation**

ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
Noise Impacts	
The senior housing building, closest to Tully Road, would include an outdoor balcony for each apartment unit. Some of these balconies would face Tully Road, and therefore would be exposed to existing noise levels of approximately 73 dB Ldn. **Significant Impact**	The senior housing building would be constructed with a central courtyard, which would be shielded from Tully Road noise, in order to provide additional outdoor use areas not impacted by existing noise. **(Mitigation Included in the Project)** **Significant Unmitigated Impact** The balconies facing Tully Road could be enclosed with solid structures to reduce noise impacts from Tully Road. A solid three-foot wall could enclose the balcony instead of a fence, and an acrylic acoustic barrier could be placed on top of the wall to shield the balconies from noise from Tully Road. **(Mitigation Not Included in the Project)** **Less Than Significant Impact with Mitigation Not Proposed**
Noise levels inside the units nearest to Tully Road could exceed an L_{dn} of 45 dB. These levels would not be consistent with the City guidelines or state standards and would constitute a significant impact. **Significant Impact**	The units closest to Tully Road would be evaluated to determine what type of glazing would be necessary to achieve an interior sound level of 45 dB or less. It is likely that windows with an STC rating of up to 36 would be required, depending upon the size of windows in these units. **(Mitigation Included in the Project)** These units would also be provided with mechanical ventilation to allow the windows to remain closed to achieve the interior standard. **(Mitigation Included in the Project)** The townhouses and the senior units adjacent to the fire station site would also be equipped with mechanical ventilation to allow the windows to remain closed. **(Mitigation Included in the Project)** **Less Than Significant Impact with Mitigation**

ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
Noise Impacts (cont.)	
While the proposed project would increase traffic volumes and congestion on the overall roadway network and in the site vicinity, the traffic generated by the project would not measurably increase noise levels along the streets serving the project. **Less Than Significant Impact**	No mitigation is required or proposed. **Less Than Significant Impact**
Project construction activities would result in significant short-term noise impacts upon the surrounding neighborhood. **Significant Impact**	The project includes the following mitigation measures to minimize the potential noise disturbance to adjacent land uses: 1) limit construction to the hours of 7:00 AM to 7:00 PM on Monday through Friday, with no noise-generating construction activities on Saturdays, Sundays or holidays; 2) equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment; 3) utilize "quiet" models of air compressors and other stationary noise sources where technology exists; 4) locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a project construction area; 5) prohibit unnecessary idling of internal combustion engines; and 6) designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. The name and telephone number of the disturbance coordinator shall be conspicuously posted at the construction site. **(Mitigation Included in the Project)** **Less Than Significant Impact with Mitigation**

ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
Visual and Aesthetics Impacts	
Development of the proposed residential buildings on the site would change the visual character from vacant to urban residential in nature, with two-, three- and four-story residential buildings, and associated landscaping and paved areas. However, the site is not part of a scenic view corridor and the proposed project would not have any impact on scenic vistas. The project proposes to locate taller buildings away from the existing residential neighborhood to avoid significant shade and shadow impacts on the existing residential neighborhood, and to avoid the potential for elevated views into these homes. Because the project design proposes a transition from the existing single-family neighborhood to the south and east and the commercial uses along Tully Road, the proposed development would not be visually incompatible with the surrounding development. **Less Than Significant Impact**	No mitigation is required or identified. **Less Than Significant Impact**
The buildings would introduce glass and other reflective building materials and lighting to a vacant dirt lot and field area that currently has no reflective surfaces. The project does propose outdoor security night lighting on the site, along walkways and entrance areas. Low-pressure sodium lighting would be used, and would be directed away from the existing residential areas to the south and east of the site. This outside lighting would generally increase the level of illumination in the area, but would not cause significant glare or light spillover onto adjacent properties. **Less Than Significant Impact**	No mitigation is required or proposed. **Less Than Significant Impact**

ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
Energy Impacts	
Although development of the project would contribute incrementally to the use of energy for development and ongoing maintenance, this impact is considered less than significant. **Less Than Significant Impact**	No mitigation is required or proposed. **Less Than Significant Impact**
Utilities Impacts	
There is sufficient capacity in the existing and planned utility and service systems to serve the proposed project. The project includes extension of local infrastructure, including water, sewer, and storm water collection lines to serve the property. **Less Than Significant Impact**	No mitigation is required or proposed. **Less Than Significant Impact**
Cumulative Impacts	
The project would contribute to the less than significant cumulative loss of open space. **Less Than Significant Cumulative Impact**	No mitigation is required or proposed. **Less than Significant Cumulative Impact**
The project would not add residential units beyond those planned for in the City's General Plan. **Less Than Significant Cumulative Impact**	No mitigation is required or proposed. **Less than Significant Cumulative Impact**
The project would not significantly contribute to cumulative intersection level of service impacts. **Less Than Significant Cumulative Impact**	No mitigation is required or proposed. **Less than Significant Cumulative Impact**
Based upon the BAAQMD's thresholds, the project would not significantly contribute to cumulative local and regional air quality impacts. **Less Than Significant Cumulative Impact**	No mitigation is required or proposed. **Less than Significant Cumulative Impact**

ENVIRONMENTAL IMPACTS	MITIGATION MEASURES
Cumulative Impacts (cont.)	
The project would not result in cumulatively significant long-term or short-term noise impacts. **Less Than Significant Cumulative Impact**	No mitigation is required or proposed. **Less than Significant Cumulative Impact**
Urban Services	
Although the proposed project would increase the demand for fire, police, school, and library services, it is not anticipated that the project would create the need for any new facilities beyond those existing or proposed. The project would offset increased demand for parks and recreation facilities by provision of on-site amenities and through compliance with the City's Parkland Dedication Ordinance and Park Impact Ordinance.	

SUMMARY OF ALTERNATIVES

CEQA requires that an EIR identify alternatives to a project as proposed. The CEQA Guidelines [Section 15126.6(a)] specify that an EIR identify alternatives which "would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project". The proposed project would not result in any significant unmitigated impacts. Therefore, the alternatives discussed in this section would be capable of avoiding or lessening those impacts which are reduced through mitigation measures included in the project. These include water quality, biological resources, and short-term air quality and noise impacts. This EIR analyses several alternatives to the proposed project in Section VII of this EIR. A brief summary of these alternatives and their impacts is provided below.

No Project. The "No Project" Alternative consists of not constructing the proposed residential development and leaving the site in its present condition. Under the No Project Alternative, the vacant dirt lot on the northern portion of the site would continue to be used by the Fairgrounds Management Company for equipment storage and overflow parking. However, because a new ball park facility has been approved approximately 0.5 miles east of the site, on Tully Road, the existing baseball fields would not continue to operate on the site under the No Project Alternative. The No Project Alternative would completely avoid all of the identified physical impacts anticipated to occur as a result of the project, however, it would not meet any of the project objectives, of providing high-density residential units on the site dedicated to low-income occupancy. In addition, under the No Project Alternative, the City's objective of generally increasing housing opportunities within San José's urban area would not be met.

Reduced Development Alternative. This alternative would represent a less intense use of the site. The Reduced Density Alternative assumes the same percentage of unit types as the proposed project. The Reduced Density Alternative would include a total of 285 units on the site, consisting of 105 senior units, 150 low- and very low-income multi-family units, and 30 townhouses, as shown in Table 16, below. The overall density would be approximately 25 dwelling units per acre. Because this alternative would substantially reduce the number of units on the site, it is likely that the significant unmitigated noise impacts at the balconies along Tully Road could be avoided. The Reduced Density Alternative would reduce the amount of traffic generated on the site, roughly by half, thereby reducing incremental traffic impacts to the surrounding area. While the proposed project would not result in significant air quality impacts, the reduction in traffic trips associated with the Reduced Density Alternative would also result in a corresponding reduction in the project's less than significant regional air quality impacts. Overall construction impacts related to clearing and grading operations, such as short-term noise, dust and water quality impacts, would be comparable to the proposed project. In addition, the biological resources impacts would be similar to the proposed project. The Reduced Density Alternative would be affected by the same existing high ambient noise levels as the proposed project.

Park Alternative. Another design alternative to the proposed project would be a site layout that includes the 1.0 acre of parkland to support the needs of the project. Because 1.0 acre would occupy nearly ten percent of the site, the Park Alternative assumes that the number of proposed residential units would decrease by ten percent under this alternative scenario. This Park Alternative assumes the same percentage mix of unit types as the proposed project.

The Park Alternative would incrementally reduce some of the project's less than significant impacts. The Park Alternative would also reduce the number of traffic trips generated by roughly ten percent. In addition, the reduction in traffic trips associated with the Park Alternative would also result in a corresponding reduction in the project's less than significant regional air quality impacts. However, construction noise, dust and water quality impacts would be comparable to the proposed project. The Park Alternative design would also be affected by the same existing high ambient noise levels as the proposed project.

Alternative Location. There are no specific alternative infill sites in central San José known to the City, whose development with 561 residential units would result in substantially less environmental impacts. More importantly, in order to meet the regional demand for housing, particularly affordable housing, the City is pursuing the development of housing on all suitable and appropriate infill sites within the urban envelope. It is the City's goal to maximize the potential for new residential units within the City. Therefore, moving the proposed project to another location would essentially eliminate other housing planned for that location. In other words, developing this project on another infill location would limit the total number of units that can be added in San José, and this is not consistent with the City's housing goals.

Environmentally Superior Alternative. For purposes of this project, the environmentally superior alternative would be the Reduced Density Alternative, because the environmental impacts would be substantially less than the proposed project, Park Alternative, and Alternative Location options. This alternative would meet some of the project objectives. However, because the Reduced Development Alternative would provide substantially fewer affordable housing units on this infill site, it would not fully meet the project's objectives and would not be consistent with the City's goal of maximizing housing opportunities throughout the City.

KNOWN VIEWS OF LOCAL GROUPS AND AREAS OF CONTROVERSY

Issues raised by residents in the area and local groups include the land use compatibility, traffic and circulation impacts, long-term regional and local air quality impacts, and visual impacts.

I. DESCRIPTION OF THE PROJECT

A. OVERVIEW OF THE PROJECT

The project proposes the Planned Development prezoning and annexation of an 11.4-acre infill site, within the central portion of the City of San José, adjacent to the Franklin McKinley School on a portion of the County of Santa Clara Fairgrounds. The project proposes the development of up to a total of 561 residential units on the site, including 201 senior citizen units, 300 low- and mixed-income rental units, and 60 townhouse units. The overall density of the proposed project is 49.21 dwelling units per acre (DU/AC). The project site is owned by the County of Santa Clara, and the project would be developed by the Housing Authority of the County of Santa Clara and ROEM Development Corporation.

B. PROJECT LOCATION

The 11.4-acre project site is located at 350 Tully Road[1] within the City of San José (APN 497-38-001), between Tenth Street and Senter Road. The project site is bounded by Tully Road to the northwest, a City of San José Fire Station (Station #26) to the north, existing single family homes to the northeast and southeast, the Franklin McKinley Elementary School and the future Franklin McKinley Valley Health Center to the southwest. Figure 1 shows the regional location of the site, and Figure 2 presents the immediate site vicinity. An aerial photograph identifying the surrounding land uses is shown on Figure 3.

C. DESCRIPTION OF THE PROPOSED PROJECT

The project proposes the Planned Development prezoning and annexation of an 11.4-acre unincorporated county pocket, within the City of San José. The proposed project would be developed by the Housing Authority of the County of Santa Clara (Housing Authority) and ROEM Development Corporation. The project site is owned by the County of Santa Clara and is currently used by the Santa Clara County Fairgrounds Management Corporation for equipment storage and overflow parking. The Fairgrounds Management Corporation currently leases the baseball fields on the site to the Spartan Little League.

The project proposes the development of up to a total of 561 residential units on the site, including 201 senior citizen apartment units, 300 low- and mixed-income rental units, and 60 townhouse units. The proposed land use plan is shown on Figure 4. A conceptual site plan is presented on Figure 5, and a landscape layout plan is presented on Figure 6. The Housing Authority would develop the senior units and 130 of the apartment units, and ROEM would develop the 60 townhouses and 170 of the apartment units. All but 42 of the 501 rental units would be dedicated to low- or very low-income households. The 60 townhouse units are proposed to be market rate, ownership housing for first time homebuyers. The breakdown of the proposed units is presented in Table 1.

The project also proposes to provide access and enhancements to the park facilities located on the Franklin McKinley Elementary School, adjacent to the project site, which would help meet the demand from future project residents for recreational space (see discussion below under *Proposed Physical Improvements*).

[1] Some of the technical analyses completed for this EIR identify the project site address as 344 Tully Road, which is the address for the entire County of Santa Clara Fairgrounds property.

TABLE 1
BREAKDOWN OF PROPOSED RESIDENTIAL UNITS

Type of Unit	Unit Size 1 BR	2 BR	3 BR	Total
Senior	201			**201**
Low Income	60	58	12	**130**
Mixed Income	58	96	16	**170**
Townhouses			60	**60**
TOTAL UNITS	319	154	88	**561**

1. Proposed Unit Types

Senior Rental Units

All 201 of the senior rental units would be one-bedroom units, approximately 575 square feet in size. These units would be located in a single, three-story, corridor building, nearest to Tully Road (refer to Figures 4 and 5). These units would be low-income rental units. It is the applicant's intent that these units would be made available to seniors who lack the financial resources to afford housing in the area.

Public Agency Employee Rental Housing

A total of 300 low-income and mixed-income rental units would be located on the central and southern portions of the site (refer to Figures 4 and 5). Approximately 130 units would be developed by the Housing Authority and would be affordable to low-income households. Of these units, there would be 60 one-bedroom units, 58 two-bedroom units, and 12 three bedroom units. All of these units, with the exception of a single resident manager's unit, would be restricted to low-income households.

Approximately 170 units would be developed by ROEM Corporation and would be mixed-income units. Of these units, there would be 58 one-bedroom units, 96 two-bedroom units, and 16 three-bedroom units. Twenty-five percent of these units would not be rent or tenant income restricted. The remainder of the units, with the exception of a single resident manager's unit, would be restricted to low and mixed income households.

All but five percent of the rental units would be offered on a preferential basis to public employees in the County. They would be heavily marketed to Valley Medical Center clinic employees, as well as those of the Franklin McKinley School District. The remaining five percent of the units in the complex would be prioritized for occupancy by higher functioning individuals with developmental disabilities.

Townhouses

The project also proposes to include 60 townhouse units, which would be located along the eastern and southern portions of the site (refer to Figures 4 and 5). These units would each have three-bedrooms, with two bathrooms. The townhouses would be offered to first-time homebuyers, and would be targeted towards nurses, health care aides, and other public agency employees.

2. Building Construction

The project proposes two-, three- and four-story buildings on the site. The structures would be designed in a contemporary style. All buildings would be constructed of stucco, with Spanish tile roofs and vinyl windows. Predominant colors would be warm earth tones of brown, yellow and rust. More intense colors would be used in limited amounts to highlight building features such as doorways and window casings. Conceptual building elevations for the proposed unit types are presented on Figures 7-9, and conceptual cross-sections are shown on Figure 10.

3. Proposed Site Layout

The project proposes to locate the townhouses, with the lowest density, along the eastern and southern borders of the site, adjacent to the existing residential neighborhood. The proposed senior units, which have the highest density, are proposed along Tully Road. The multi-family units, with a medium density, are proposed in the central portion of the site. Therefore, the density of the units would increase with the distance from the existing single family neighborhood to the east and south (refer to Figures 4 and 5).

The proposed buildings heights would also increase with distance from sensitive surrounding land uses. The townhouse buildings would be 2.5 stories and 35 feet in height. The proposed senior unit building would be three stories, over podium parking and 50 feet in height. The multi-family buildings, in the central portions of the site, would be three- and four-story structures, over podium parking. Maximum building heights would be 50 feet above ground.

The proposed buildings would share a centralized lease/office building with common amenities, as well as a swimming pool and patio area. The common open spaces would be linked through a network of landscaped walks to encourage pedestrian travel and access. The total building footprint would be approximately 146,472 square feet (3.3 acres), with a total building area of approximately 593,281 square feet. The total floor area ratio for the site would be 0.83. The project proposes approximately 192,426 square feet (4.4 acres) of parking and driveway areas, and approximately 157,686 square feet (3.6 acres) of common open space and landscaped areas.

Parking, Access and Circulation

The project proposes to provide a total of approximately 848 parking spaces on the site. The project requires a total of 829 spaces, according to the City's parking ratio requirements, as shown in Table 2, below. Approximately 138 would be surface parking spaces, and approximately 710 spaces would be provided in the subterranean garages.

TABLE 2 PARKING REQUIREMENTS			
Type of Unit	**Number of Units**	**Parking Ratio**	**Required Parking Spaces**
Senior – 1 Bedroom	201	0.8	161
Low Income – 1 Bedroom	60	1.5	90
Low Income – 2 Bedroom	58	1.8	105
Low Income – 3 Bedroom	12	2.0	24
Mixed Income – 1 Bedroom	58	1.5	87
Mixed Income – 2 Bedroom	96	1.8	173
Mixed Income – 3 Bedroom	16	2.0	32
Townhouses	60	2.6	156
TOTAL	**561**		**829**

Access to the project site would be provided from the proposed signalized intersection of Tully Road and the project's entrance driveway. Vehicular circulation through the site would be provided by a 26-foot wide private driveway, which would loop between the townhouses and the apartments (refer to Figures 4 and 5).

4. Proposed Physical Improvements

Grading

The project proposes minimal grading to develop streets and surface parking areas to meet requirements for structural section and rate of grade, and to develop level building pads with positive drainage. The parking garages for the podium apartment buildings would be constructed one-half story below grade, which would require excavation approximately six feet in depth. The proposed grading plan is presented on Figure 11.

Improvements to Public Facilities and Infrastructure

Development of the project would require construction and extension of infrastructure necessary to serve the development proposed, including street improvements, extension of utility lines, and utility facilities within the project boundary (refer to Section *II. M. Utilities and Services*, of this EIR for a complete discussion of the existing infrastructure and required improvements).

The project proposes to include approximately 0.8 acres of private outdoor recreation areas (60 square feet per dwelling unit) and approximately 1.3 acres of common open space on the site. In addition, the project proposes to provide enhancements to the park facilities located on the Franklin McKinley Elementary School, adjacent to the project site, which would help

meet the demand from future project residents for recreational space. The Housing Authority along with ROEM are entering into a Memorandum of Understanding (MOU) with the Franklin McKinley School District to provide improvements to the recreational facilities on the school property. The following improvements will be provided at the school site to increase the functionality of the recreational facilities on the property:

- The applicant will provide new solid turf to the northwest corner of the existing baseball diamond. The applicant will also provide new play equipment in this area, or provide a mutually agreed amount of fund for the Franklin McKinley School District to purchase play equipment.

- The applicant will move the existing baseball diamond southwest for about 30 feet, to create more open space for recreation. The applicant will be responsible for the costs associated with moving the baseball diamond, including the costs for the relocation, new turf and irrigation systems, and the new fence around the diamond.

- The applicant will provide strong pedestrian connections from the housing development to the future recreation space and facilities.

- The project will provide trees adjacent to the future townhouses on the project site to shield the dust generated by the open field area, and provide a mutually agreed upon amount of fund for the Franklin McKinley School District to enhance the open field area.

D. OBJECTIVES OF THE PROJECT

The objective of the project is to provide up to 561 residential units on the site, most of which would be "100% affordable housing units" dedicated to low-income occupancy. The project proposes to develop these units to fulfill the intent of the *High-Density Residential* (25-50 DU/AC) General Plan Land Use/Transportation Diagram designation, and to help meet the City's objective of maximizing housing opportunities on infill sites throughout the City. These units would be offered on a preferential basis to public employees in the County, and would be heavily marketed to Valley Medical Center clinic employees, as well as those of the Franklin McKinley School District. The 60 townhouse units are proposed to be subsidized by the City of San José for first time homebuyers.

E. USES OF THE EIR

This EIR will be relied upon for environmental clearance in issuing appropriate project-specific discretionary approvals necessary to implement this project as proposed. These actions include the following approvals by the agencies indicated:

City of San José	Planned Development Prezoning Annexation Planned Development Permit Tentative Map Development Agreement Contracts for public infrastructure construction Stormwater Pollution Prevention Plan Tree Removal Permit(s)
Local Agency Formation Commission	Annexation of the site to the City of San José

It is the intent of this EIR to provide the City of San José, other responsible and trustee agencies, and the general public with the relevant environmental information to use in considering the proposed project.

F. CONSISTENCY WITH ADOPTED PLANS AND POLICIES

In conformance with Section 15125(d) of the CEQA Guidelines, the following section discusses the consistency of the proposed project with relevant adopted plans and policies.

1. Regional Plans and Policies

Bay Area 2000 Clean Air Plan
Bay Area Air Quality Management District

The 2000 Clean Air Plan ('00 CAP) established regional policies and guidelines to meet the requirements of the Clean Air Act, as amended through 1990. The Bay Area is a classified as a non-attainment area for ozone and PM_{10}, since federal standards are exceeded for these pollutants. The Bay Area '00 Clean Air Plan was adopted in 2000. It outlines measures and improvements to help the Bay Area comply with the state's ozone standard, and is the current regional strategy for improving air quality. The Plan proposes the adoption of transportation, mobile source and stationary source controls on a variety of pollutant sources to offset population growth and provide improvement in air quality. The consistency of the proposed project with this regional plan is primarily a question of the consistency with the population/employment assumptions utilized in developing the Plan. The '00 CAP was based on the City's General Plan in effect at the time the CAP was approved.

Consistency: The project would increase the amount of traffic on local streets and freeways and would contribute local traffic in the peak hours and the peak direction. This increase in traffic would be a source of increased air pollutant emissions, which would contribute to exceedances of regional air quality standards. Construction activities associated with project development would also generate temporary air pollution impacts. The project proposes infill residential development and does not propose to add additional residential units beyond the current City of San José General Plan assumptions. Because the projections in the Clean Air Plan are based on General Plan buildout, this project is consistent with the Clean Air Plan.

San Francisco Bay Region Water Quality Control Plan

The Regional Water Quality Control Board has developed and adopted a Water Quality Control Plan (Basin Plan) for the San Francisco Bay region. The Plan is a master policy document that contains descriptions of the legal, technical, and programmatic bases of water quality regulation in the San Francisco Bay region. The RWQCB first adopted a water quality control plan in 1975 and the last major revision was adopted in 1995.

The Plan provides a program of actions designed to preserve and enhance water quality and to protect beneficial uses, based upon the requirements of the Porter-Cologne Act. It meets the requirements of the U.S. Environmental Protection Agency (EPA) and establishes conditions related to discharges that must be met at all times.

The implementation portion of the Basin Plan includes descriptions of specific actions to be taken by local public entities and industries to comply with the policies and objectives of the Plan. These include measures for urban runoff management and agricultural wastewater management. Later this year, the Basin Plan will also include an amendment which requires the identification of TMDLs (Total Maximum Daily Loads) for each water-body within the jurisdiction of the RWQCB. A TMDL defines the specified maximum amount of a pollutant which can be discharged into the water-body from all combined sources. These water-body specific targets are considered necessary by the EPA in order to attain water quality standards in an impaired watercourse.

Consistency: Development of the project would increase stormwater runoff over existing conditions on the site. Since the site is designated for urban uses, the project would not substantially increase runoff beyond what is already allowed by the existing General Plan. Development of the project on the site would conform to the requirements of the City of San José regarding erosion and sedimentation control during construction, including preparation and conformance with a Stormwater Pollution Prevention Plan (SWPPP), which identifies specific measures for reducing construction and post construction impacts.

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed in accordance with the requirements of the 1986 San Francisco Bay Basin Water Quality Control Plan, for the purpose of reducing water pollution associated with urban stormwater runoff. This program was also designed to fulfill the requirements of Section 304(1) of the federal Clean Water Act, which mandated that the Environmental Protection Agency develop National Pollutant Discharge Elimination System (NPDES) Permit application requirements for various stormwater discharges, including those from municipal storm drain systems and construction sites. The City of San José is a member of the SCVURPPP.

The State Water Resources Control Board implemented an NPDES general construction permit for the Santa Clara Valley. For properties of five acres or greater, a Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction. Subsequent to implementation of the general construction permit, the San Francisco Bay Regional Water Quality Control Board issued a Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) Permit to the municipalities in Santa Clara Valley, the County of Santa Clara, and the Santa Clara Valley Water District as co-permittees. The Urban Runoff Pollution Prevention Program assists the co-permittees in implementing the provisions of this permit.

Recent changes have occurred to Provision C.3 of SCVURPPP's NPDES permit to discharge stormwater (NPDES Permit No. CAS0299718; Regional Board Order No. 01-024). Provision C.3 provides enhanced performance standards for the management of stormwater at new development and significant redevelopment projects. Although proposed projects may not result in a significant net increase in impervious surfaces, projects may still be subject to Provision C.3, as described in subsection c.i.3, *Significant Redevelopment Projects*, of the NPDES permit; the requirements of this subsection become effective July 15, 2003. (A significant redevelopment project is defined as a project on a previously developed site that results in the addition or replacement of impervious surface that combined total 43,560 square feet or more of impervious surface on such an already developed site. On October 15, 2004, the size threshold will drop from 43,560 square feet to 5,000 square feet.) New

projects and significant redevelopment projects are required to design and implement stormwater treatment Best Management Practices (BMPs) to reduce stormwater pollution to the maximum extent practicable. The numeric sizing criteria that are to be used in the design of stormwater treatment BMPs are contained in subsection d of Provision C.3, *Numeric Sizing Criteria for Pollutant Removal Treatment Systems*, of the NPDES permit.

Consistency: The project would conform to the requirements of the NPDES permitting program. The proposed construction would increase stormwater runoff, and potential impacts to the water quality from this runoff could occur during construction. Runoff-borne pollution and associated impacts would increase both during and after construction of future development on the site. Effective management of stormwater is highly site-specific. Evaluation and identification of cost-effective treatment options requires that the topography, soil type, and developed site layout all be considered early in the planning process. Section *II. D. Hydrology and Water Quality* of this EIR identifies mitigation measures proposed to reduce water quality impacts in runoff, both for construction and in the long-term, which are consistent with the standards of the Urban Runoff Pollution Prevention Program.

Santa Clara County Congestion Management Program

The Santa Clara Valley Transportation Authority (SCVTA) oversees the Santa Clara County *Congestion Management Program* (CMP), last updated in May 1998. The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues. The CMP legislation requires that each CMP contain five mandatory elements: 1) a system definition and traffic level of service (LOS) standard element; 2) a transit service and standards element; 3) a transportation demand management and trip reduction element; 4) a land use impact analysis element; and 5) a capital improvement element. Santa Clara County's CMP includes the five mandated elements and three additional elements, including: a county-wide transportation model and database element, an annual monitoring and conformance element, and a deficiency plan element.

Consistency: The traffic analysis prepared for the proposed project discusses impacts on regional roadways, consistent with CMP policies. The project as proposed is consistent with the provisions of the CMP.

Metropolitan Transportation Commission Regional Transportation Plan

The Metropolitan Transportation Commission oversees the Regional Transportation Plan for the San Francisco Bay Area, which was adopted on October 28, 1998 and amended May 26, 1999. This Plan describes major transportation improvements that can be funded over the next 20 years given projected federal, state, and local funds.

Consistency: The proposed project would not impede the development of any transportation projects identified in the Regional Transportation Plan. Therefore, the project is not inconsistent with the Regional Transportation Plan.

Local Agency Formation Commission Policies

The Local Agency Formation Commission (LAFCO) implements policies related to the efficient growth and development of urban areas and the preservation of open space and agricultural uses. LAFCO's policies are intended to limit urban development to locations adjacent to existing urban areas where urban services can be most efficiently provided, without undue hardship on service providers. The LAFCO policies are intended to assure the establishment of logical boundaries for development and the extension of urban services. After consideration of these policies, LAFCO may approve or deny the proposed annexation of the project site. A discussion of the project's consistency with each of the following relevant LAFCO guidelines and policies is provided subsequently.

General Guidelines

1. *The Commission will encourage City processing of annexations and reorganizations within Urban Service Areas (USAs) without LAFCO review pursuant to Government Code 56826*. The project would be consistent with this guideline since the site proposed for annexation is presently surrounded by the City of San José urban service area (USA) and is within the City's Sphere of Influence.

2. *Urban development should occur in cities rather than in unincorporated territory*. The site proposed for annexation is an unincorporated area, but is infill development surrounded by the City of San José. No extension of services outside the USA is proposed for the site to be annexed. The proposed development is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation for the site which provides for high density residential uses. The annexation of the project site would conform with Section 56109 of the Cortese-Knox Local Government Reorganization Act, which prohibits the formation of "islands" of incorporated territory within the County's jurisdiction. Therefore, the project would be consistent with this guideline.

3. *Wherever possible, cities pursue development of vacant incorporated land before annexation of fringe areas*. The site proposed for annexation is surrounded by the urbanized City of San José. In this context, the development of this property is not considered to occur within a fringe area. Therefore, the project would be consistent with this guideline.

4. *Annexations and reorganizations should result in logical and reasonable expansions for cities and special districts*. The proposed annexation would be a logical and reasonable expansion of the City of San José, because this site is infill development surrounded by the City's USA. Therefore, the project would be consistent with this guideline.

5. *Cities are encouraged to pursue annexation of unincorporated islands*. The project proposes the annexation of the project site to eliminate part of an unincorporated "island." Therefore, the project would be consistent with this guideline.

Urban Service Area Amendment Policies

1. *LAFCO will review/amend a City's Urban Service Area once a year, if such review is desired by the City and initiated by City resolution and application. Until a City's application has been heard and acted upon by the Commission, no further Urban Service Area amendments will be accepted for filing from that City. LAFCO may make an exception to the once a year limitation upon Urban Service Area amendment requests where amendment is needed to carry our some special institutional development or activity that is in the public interest. Such exception shall not normally be extended in connection with proposed residential, commercial, or industrial development.* The Urban Service Area amendment application will be initiated and processed in accordance with LAFCO's guidelines. Therefore, the project would be consistent with this policy.

2. *LAFCO will require application of an appropriate general plan designation to territory proposed for inclusion in an Urban Service Area.* The project site is already designated as *High-Density Residential* on the San José 2020 General Plan Land Use/Transportation Diagram. Therefore, the project would be consistent with this policy.

3. *LAFCO encourages contractual agreements and/or plans between the cities and the County which define: a) growth at the urban fringe; and 2) potential new growth areas*. The site proposed for annexation is surrounded by the urbanized City of San José and is within the City's Sphere of Influence. The development of this property is not considered to occur within a fringe or new growth area. Therefore, the project would be consistent with this policy.

4. *LAFCO will consider factors such as the following to determine the local and regional impacts of a proposed Urban Service Area amendment:*

    a) *the ratio of lands planned for residential use to lands planned for employment-producing use;*
    b) *the existence of adequate regional and local transportation capabilities to support the planned City growth;*
    c) *ability of the City to provide urban services to the growth areas without detracting from current service levels; and*
    d) *the ability of school districts to provide school facilities;*
    e) *whether the conversion of agricultural and other open space lands is premature; or if there are other areas into which to channel growth;*
    f) *the role of special districts in providing services;*
    g) *environmental considerations which may apply;*
    h) *the impacts of proposed City expansion upon the County as a provider of services; and*
    i) *fiscal impacts on other agencies.*

    The site proposed for annexation is currently an unincorporated island surrounded by the urbanized City of San José. The proposed annexation would be a logical and reasonable expansion of the City of San José, because this site is infill development surrounded by the City's USA. The City of San José and the entities providing services to the project site are capable of adequately serving development on the site. The provision of utilities and urban services are discussed within Section *II. M. Utilities and Services*, of this EIR. Annexation of the site would not create an area that would be difficult to serve. Therefore, the project would be consistent with this policy.

5. *When a City with a substantial supply of vacant land within its Urban Service Area applies for an Urban Service Area expansion, LAFCO will require an explanation of why the expansion is necessary, and how an orderly, efficient, growth pattern, consistent with LAFCO mandates, will be maintained.* The site proposed for annexation is surrounded by the urbanized City of San José and is within the City's Sphere of Influence. In this context, the development of this property would maintain an orderly, efficient growth pattern consistent with LAFCO mandates. Therefore, the project would be consistent with this policy.

6. *The Commission will discourage Urban Service Area expansions which include agricultural or other open space land unless the City has accomplished one of the following:*

    a) demonstrated to LAFCO that effective measures have been adopted for protecting the open space status of the land. Such measures may include, but not be limited to, establishment of agricultural preserves pursuant to the California Land Conservation Act; adoption of City/County use agreements or applicable specific plans; implementation of clustering or transfer-of-development-rights policies; evidence of public acquisition; or
    b) *demonstrated to LAFCO that conversion of such lands to other than open space uses is necessary to promote the planned, orderly, efficient development of the City.*

    The proposed annexation would be a logical and reasonable expansion of the City of San José, because this site is infill development surrounded by the City's USA. The development of this property is not considered to occur within a fringe area. The proposed project site is currently an unincorporated island surrounded by the urbanized City of San José. Therefore, the development of this property would maintain an orderly, efficient growth pattern consistent with LAFCO mandates, and the project would be consistent with this policy.

7. *The Commission will consider whether an Urban Service Area amendment, leading to the conversion of agricultural or other open space land, will adversely affect the open space resources of the County. Factors to be studied include, but are not limited to:*

    a) the agricultural significance of the amendment area relative to other agricultural lands in the region (soil, climate, water-related problems, parcel size, current land use, crop value, Williamson Act contracts, etc.)
    b) the economic viability of use of the land for agriculture;
    c) whether public facilities, such as roads, would be extended through or adjacent to other agricultural lands in order to provide services to anticipated development in the amendment area;
    d) *whether the amendment area is adjacent to or surrounded by existing urban or residential development.*

    The site proposed for annexation is surrounded by the urbanized City of San José and is within the City's Sphere of Influence. The proposed annexation would be a logical and reasonable expansion of the City of San José, because this site is infill development surrounded by the City's USA. Therefore, the project would be consistent with this policy.

8. *Where appropriate, LAFCO will consider adopted policies advocating maintenance of greenbelts or other open space around cities in reviewing Urban Service Area agreements*. The site proposed for annexation is surrounded by the urbanized City of San José and is within the City's Sphere of Influence. In this context, the development of this property is not considered to occur within a greenbelt or open space area.

2. Local Plans and Policies

San José 2020 General Plan

The San José 2020 General Plan is an adopted statement of goals and policies for the future character and quality of development of the community. Following is a summary of major strategies and policies that apply to the proposed project.

Land Use/Transportation Diagram

The San José 2020 General Plan Land Use/Transportation Diagram designates the project site as *High-Density Residential (25-50 DU/AC)*. This designation allows residential land uses at densities ranging from 25-50 dwelling units per acre. The General Plan allows maximum building heights of 50 feet throughout the City, unless specified as otherwise in the General Plan. For example, the General Plan allows a maximum height of 90 feet for senior housing.

Consistency: The project proposes a maximum density of 50 dwelling units per acre, which is consistent with the *High Density Residential* designation. The project proposes building heights of up to 60 feet on the site, for the senior housing component. Therefore, the project conforms with the General Plan building height requirements.

Major Strategies

Growth Management Major Strategy

The City has established the Growth Management Major Strategy to find the balance between the need to house new population and the need to balance the City's budget, while providing acceptable levels of service. The need to accommodate housing development is created by the City's Economic Development Major Strategy and the normal increase of population in the City. In order to balance service demands and revenue sources, the location of housing is critical to minimizing service costs.

The location of growth in the City is established by the Greenline/Urban Growth Boundary (G/UGB), which defines the City's ultimate urban limit. The G/UGB, together with other General Plan policies, encourages compact, efficient infill development and discourages more costly development on the edge of the City. Infill development of housing and commercial uses on vacant or underutilized sites benefits the City if the need for new facilities and services are minimal. Level of service policies for transportation, sanitary sewage, and sewage treatment facilities, as well as City ordinances and policies requiring that new development pay for necessary infrastructure improvements, will ensure that new development does not substantially impact existing neighborhoods.

Consistency: The project site evaluated in this EIR is an infill site, located within the City's urban service area. Existing infrastructure is available to the site, the project would require minimal extension of utilities and services on the property. For these reasons, the proposed project would be consistent with the Growth Management Major Strategy.

Housing Major Strategy

The goals of the City of San José Housing Major Strategy include improving San José's existing housing resources, meeting the housing needs of all segments of the community, and providing a variety of housing types within the community for all economic levels. The General Plan states that sound growth should be encouraged in the City by locating housing near job centers, optimizing the service capacity of existing infrastructure, encouraging public transit use, and by efficient reuse of land. To achieve this objective, the City's housing strategy includes careful planning for residential land uses at appropriate locations and densities. The strategy seeks to maximize housing opportunities on infill parcels already served by the City and to consider the addition of new residential lands only when the City is confident that urban services can be provided. The housing strategy also seeks to provide sufficient housing opportunities for new workers to encourage and support continued economic development.

Consistency: The project proposes high-density residential development on an infill site, near job centers, which would optimize the services of nearby infrastructure. The project specifically proposes "affordable housing units" dedicated to low-income households. Therefore, the project would be consistent with the City's Housing Major Strategy.

Urban Conservation/Preservation Major Strategy

In the Urban Conservation/Preservation Major Strategy, the General Plan recognizes that residents have a need to belong to a neighborhood or an area with a community identity that promotes civic pride and concern for the community. The City has established boundaries, service areas, and level of service policies that support the conservation of older and newly developed neighborhoods. The General Plan also acknowledges that neighborhood conservation takes substantial resources, and infill development is tempered by the consideration of protecting nearby areas from adverse impacts. General Plan goals and policies were written so that levels of services in existing neighborhoods will be improved, or at a minimum, maintained by avoiding development at the fringe of the City which would divert these services. Preservation of specific structures or special areas is part of the urban conservation strategy. The objective of preservation is to create a sense of community through visual evidence of San José's historical roots. Preserving the historic architecture of neighborhood communities adds inestimable character and interest to the City's image.

Consistency: The project site is an infill location, adjacent to an existing residential neighborhood and commercial area. The project would be designed to not adversely affect the character of the residential neighborhood, and would be consistent with the adopted Level of Service policies in the General Plan. Therefore, the project would be consistent with the Urban Conservation/Preservation Major Strategy.

Economic Development Strategy

The City of San José's Economic Development Strategy strives to make San José a more "balanced community" by encouraging more commercial and industrial development to balance the existing residential development, by creating an equitable distribution of job centers and residential areas, and by controlling the timing of development. This concept is generally known as a jobs/housing balance. San José currently houses many more employed residents than it has jobs, therefore its existing jobs/housing balance is poor.

San José currently has a significant surplus of housing over employment, a "jobs/housing imbalance." This imbalance makes it difficult to provide adequate urban services, because residential development does not generate sufficient revenue to cover service demands. Economic development is, therefore, a basic priority for San José, both for financial reasons and to provide employment opportunities for San José residents.

Consistency: The project is not consistent with the City's Economic Development Strategy in that it does not improve the jobs/housing imbalance.

Sustainable City Major Strategy

The Sustainable City Strategy reflects San José's desire to become an environmentally and economically sustainable City, minimizing waste and efficiently using its natural resources. The project proposes low and moderately low income housing on an infill site within San José. The project would include an irrigation system ready to connect to a reclaimed water supply, landscaping which meets the City's water conservation guidelines, and a pedestrian circulation system to encourage access to nearby transit.

Consistency: The proposed project supports the City's Sustainable City strategy.

Balanced Community Goal

One of the policies for achieving the Balanced Community Goal states that the City should foster development patterns which will achieve a "whole and complete community" in San José, and improve the balance between jobs and housing, to the greatest extent feasible.

Consistency: While the project would increase the number of housing units in a City that already has more housing than jobs within its boundaries, the proposed residential development is consistent with planned growth for the area and conforms with the General Plan Land Use/Transportation Diagram designation for the site. For these reasons, the project is not inconsistent with the Balanced Community Goal.

Economic Development Goals #1 and #2

The two basic economic development goals in the General Plan are: 1) create more job opportunities for existing residents, and 2) create a stronger municipal tax base by obtaining a greater share of commercial and industrial growth in the County, and by nurturing and encouraging expansion of existing development. The City should reduce the imbalance between housing and employment by seeking to obtain and maintain an improved balance between jobs and workers residing in San José. As stated in the General Plan, a perfect balance between the number of jobs and employed residents may not be achievable, but the

City should attempt to achieve a minimum ratio of 0.80 jobs/employed resident to attain greater fiscal stability.

Consistency: The project would increase the number of housing units in a City that already has more housing than jobs within its boundaries.

Overall Consistency with the City of San José General Plan: While the proposed project is not consistent with all of the relevant goals and policies, overall the project is consistent with the City's General Plan.

Post-Construction Urban Runoff Management Policy

The City's Post-Construction Urban Runoff Management Policy states that all new development projects proposing 5,000 square feet or more of new building rooftop or paved area, or 25 or more uncovered parking stalls should include the following: 1) install and maintain post-construction treatment control measures; 2) stencil on-site inlets in conformance with City requirements; and 3) clean on-site inlets a minimum of once per year, prior to the wet season. All post-construction treatment control measures are required by the Policy to be installed, operated and maintained by qualified personnel, and property owners/applicants are required to keep maintenance and inspection records. For projects with suitable landscape areas, the Policy also identifies vegetative swales or biofilters as the preferred treatment control measures.

Consistency: The project would be subject to the provisions of the Post-Construction Urban Runoff Management Policy. The project includes post-construction treatment control measures as well as installation and cleaning of on-site inlets (refer to Section *II. D. Hydrology and Water Quality*, of this EIR). Therefore, the project would be consistent with the Post-Construction Urban Runoff Management Policy.

II. ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

A. LAND USE

1. Existing Setting

Existing Land Uses

The 11.4-acre project site is located at 350 Tully Road within the City of San José (APN 497-38-001), between Tenth Street and Senter Road (refer to Figures 2 and 3). The northern portion of the site is mostly dirt and gravel, and there are five (5) existing baseball fields on the southern part of the site (refer to Figure 3). There are trees present, along with some vegetative ground cover, around the perimeter of the site. The project site is owned by the County of Santa Clara and is currently used by the Santa Clara County Fairgrounds Management Corporation for equipment storage and overflow parking. The Fairgrounds Management Corporation currently leases the baseball fields to the Spartan Little League.

Currently, the project site is mostly open space, but it is not used for agricultural purposes. The site is not designated by the California Resources Agency as Farmland of any type, and is not the subject of a Williamson Act contract. There is no property used for agricultural purposes adjacent to the project site.

Surrounding Land Uses

The area surrounding the project site contains a school, commercial businesses, the Santa Clara County Fairgrounds, and residential development. Specifically, the Franklin-McKinley Elementary School is located to the west, Tully Road borders the site to the northwest, a San José fire station (#26) borders the site to the north, and single-family residences (which are approximately 25 feet tall and approximately 20 feet from the site's property line) border the site to the northeast and southeast. On the north side of Tully Road, and visible from the project site, are a U-haul office, a McDonalds restaurant, a cab company, mini-storage, Fairground parking lots, and a furniture store. The Fairgrounds are located southwest of the project site. In addition, a development application is on file with the County of Santa Clara to build a medical clinic (the future Valley Health Center) on a 3.5-acre site, which borders the project site to the west. Refer to Figure 3 for the locations of these land uses.

City of San José General Plan

The project site is currently designated as "*High-Density Residential*" (25-50 DU/AC) on the General Plan Land Use/Transportation Diagram. This designation allows residential land uses at a density ranging from 25-50 dwelling units per acre. The General Plan allows maximum building heights of up to 50 feet.

2. Land Use Impacts

For the purposes of this project, a land use impact is considered significant if the project would:

- be incompatible with surrounding land uses or with the general character of the surrounding area; or
- conflict with any applicable land use policy adopted for the purpose of avoiding or mitigating an environmental effect; or
- disrupt or divide the physical arrangement of an established community; or
- conflict with established residential, recreational, educational, religious, or scientific uses of the area; or
- convert prime agricultural land to non-agricultural use, or impair the agricultural productivity of prime agricultural land; or
- substantially increase the amount of shadow on public or private open space, other than street and sidewalks; or
- result in a substantial loss of open space.

Land Use Conflicts

Land use conflicts can arise from two basic causes: 1) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of *land use compatibility*. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. Depending on the nature of the impact and its severity, land use compatibility conflicts can range from minor irritations and nuisance[2] to potentially significant effects on human health and safety. The discussion below distinguishes between potential impacts *from* the proposed project *upon* persons and the physical environment, and potential impacts *from* the project's surroundings *upon* the project itself.

Impacts from the Project

The proposed project would change the character of the project site. It would replace several baseball fields and a vacant dirt lot with several residential apartment buildings, private streets, and parking areas; activity on and around the site would increase, as would traffic in the vicinity. Implementation of the proposed project would result in new two-, three- and four-story residential buildings in proximity to other sensitive land uses, including the existing residential neighborhood and the Franklin McKinley School. However, the proposed gradual progression in development density would place 2.5-story townhouses oriented with the "end" elevation toward the existing residential property line. The pattern and the number of second-story windows in the townhouse units would be identical to those allowed in a typical single-family building. In addition, the proposed townhouses would be at least 20 feet from the property, and the majority of the existing homes are located 20 feet from the property line. The proposed building layout would ensure that incompatible building structures are not located adjacent to one another. Locating the taller buildings on the northern and central portions of the site would also avoid shade and shadow impacts on

[2] As used in this report, "nuisance" is defined to mean "annoying, unpleasant or obnoxious" and is not to be confused with the regulatory use of the word.

the existing residential neighborhood to the south and east. In this way, the project design would minimize land use compatibility impacts with the surrounding land uses.

- **The project would not result in significant land use compatibility impacts. (Less Than Significant Impact)**

Loss of Agricultural Land

The proposed project site is an undeveloped parcel surrounded by developed property. The property has not been used for agricultural uses for many years. The development of this parcel would not conflict with any existing Williamson Act contract or prompt the conversion of existing farmland to non-agricultural uses. Therefore, the project would not significantly impact or result in the loss of agricultural land.

- **The project would have no adverse impact on agricultural land or agricultural activities. (No Impact)**

Loss of Open Space

Development of the project as proposed would cause buildings, streets and parking lots to replace open land. As discussed in Section *II. K. Visual and Aesthetics*, of this EIR, this replacement of visual open space with urban development would be a change in the visual character of the site. However, the project site is an infill site within the City of San José's Urban Service Area and has been designated for urban uses. Development on a property designated for urban uses, within a developed urban area, is specifically compatible with the environmental goals and policies of the City of San José's General Plan, and does not conflict with General Plan policies related to the preservation of open space.

While development of the project site would constitute a change from its current condition, and that change would be particularly noticeable to residents and workers on adjacent properties, the loss of open space represented by the project site would not be a significant impact within the context of the planned open space on the site and on the adjacent Franklin McKinley School property, as well as the location of the site within the urban envelope.

- **Loss of open space as resulting from construction of the proposed project would not constitute a significant adverse impact. (Less than Significant Impact)**

Construction Impacts

Construction of the project, including construction of the associated infrastructure, would involve earthmoving, grading, delivery of construction materials, and the construction itself with the use of power equipment, possibly pile drivers, concrete trucks, and other sources of noise, dust, and traffic. These issues are addressed in their respective sections of this EIR. While construction impacts are temporary in nature, and can be reduced in their severity, the size of this project means that project construction would last approximately 24 months.

The construction activities would create at least annoyance level disturbances for the nearby land uses, particularly for the land uses adjacent to the site, including the existing residences, the fire station and the Franklin McKinley School. Even though the impacts would be temporary, the combination of noise, dust and vehicular activities would constitute a significant change in conditions, and could be significantly disruptive.

- **Construction activities would result in significant physical disturbance, and could cause temporary disruption to the adjacent land uses. (Significant Temporary Impact)**

Impacts to the Project

The proposed residential development would be subject to noise from Tully Road and surrounding roadways. A discussion of the noise impacts of these sources upon the project is presented in Section *II. J. Noise*, of this EIR.

As mentioned above, a development application is on file with the County of Santa Clara to build a medical clinic (the future Valley Health Center) on a 3.5-acre site, which borders the project site to the west. The Valley Health Center (VHC) project proposes the development and operation of a medical clinic, which will provide adult medicine, pediatrics, obstetrics & gynecology, immunization, dentistry, and a Women, Infant and Children supplemental nutrition program (WIC). The building will also include a pharmacy, clinical laboratory, diagnostic imaging, medical records, shipping/receiving, administration offices, and conference areas. The VHC facility will replace the existing clinic located to the east of site (Valley Health Center at Chaboya located at 2410 Senter Road) which operated in a 12,000 square foot building. The operations of the VHC will be conducted during the daytime, inside a separate building adjacent to the project site. Medical offices are not incompatible with residential land uses, and the VHC operation is not anticipated to significantly impact the proposed residential project.

- **The project would not be subject to significant land use impacts from nearby land uses. (Less Than Significant Impact)**

3. Mitigation and Avoidance

CEQA requires that an EIR identify possible mitigation for each significant impact which might result from the project, and that the EIR distinguish between mitigation proposed to be included in the project, and other mitigation measures which are not proposed but which might reasonably be expected to reduce or avoid the significant impacts.

Mitigation Measures Proposed by the Project

The following mitigation measures are proposed as part of the project to avoid potential land use impacts.

- The project would implement a Construction Management Plan to minimize impacts on the surrounding sensitive land uses, particularly the Franklin McKinley School and nearby residences, to the fullest extent possible. As part of the Construction Management Plan, a construction liaison designated by the project applicant would coordinate information regarding construction phasing/operations and keep the neighborhood and school users informed of the stages of development. The construction liaison would also listen and respond to neighborhood concerns regarding construction. The Construction Management Plan would also include the following measures to minimize impacts of construction upon adjacent sensitive land uses:

- Early and frequent notification and communication with the neighborhood and school users of the construction activities, including the onset, expected consequences, and actual consequences of various construction activities, as well as a commitment to, whenever possible, reduce problems that result to those land uses.
- Plans for protecting children accessing the school during construction.
- Measures to control dust, noise and water pollution resulting from construction activities (refer to Sections *II. I. Air Quality*, *II. J. Noise*, and *II. D. Hydrology and Water Quality*, of this report).
- Measures to keep all streets, public ways, and storm drains clean of debris, dirt, dust and other undesirable outcomes of construction activities.
- Measures to control noise by limiting hours of operation of construction activities (from 7:00 A.M. to 7:00 P.M., Monday through Friday within 500 feet of any residential unit), to avoid more sensitive early morning and evening hours, and scheduling equipment selection (refer to Section *II. J. Noise*, of this report).
- Plans for activities that would generate significant noise and dust to occur as far from sensitive uses as possible.

- Mitigation measures for traffic, noise, air quality, and water quality impacts are identified within their respective sections of this EIR. Mitigation measures to minimize construction-related air quality and noise impacts are also provided within their respective sections of this EIR.

Conclusion: **Development of the project as proposed would not result in significant land use conflicts with adjacent land uses. Loss of open space from construction of the project would not result in a significant impact. (Less than Significant Impact with Mitigation)**

B. POPULATION, JOBS AND HOUSING

1. Existing Setting

The following discussion is based primarily upon data contained in the Association of Bay Area Governments (ABAG) publication entitled "Projections 2000."

According to ABAG, within the City of San José's Sphere of Influence, the population for 2000 was 972,200 with 289,220 households. For 2020, the projected population is 1,101,500 with 339,560 households. The average number of persons per household in San José in 2000 was 3.31, an average which is projected to decrease slightly to 3.19 by the year 2020. The proposed project is located in Council District 7. The District's population for 2000 was 91,892.

Approximately 410,990 jobs were provided within the City of San José's Sphere of Influence in 2000, and projections show an increase to 510,410 jobs by the year 2020.

The City of San José currently has an existing jobs/housing imbalance, in that there is a surplus of housing in relation to the number of jobs for employed residents. This imbalance is opposite of the condition that a number of other cities in Santa Clara County, and the Bay Area as a whole, experience, where there is a shortage of housing in relation to the number of jobs. In general, it is highly desirable for communities to have a balance between jobs and housing, because that balance reduces the need for longer, inter-regional commuting between one's residence and one's job. As a whole, the Bay Area has a shortage of housing in relationship to the number of jobs is one reason why there is a sizable commute from outlying residential areas as far away as the San Joaquin Valley to jobs in the Bay Area.

2. Population, Jobs and Housing Impacts

For the purposes of this project, a population, jobs and housing impact is considered significant if the project would:

- induce substantial growth in an area or concentration of population either directly or indirectly; or
- displace a large number of people or substantial numbers of housing units, necessitating the construction of replacement housing elsewhere.

Socio-economic impacts are not considered environmental impacts, as defined by CEQA Guidelines Section 15131. However, the physical impacts associated with the relationship between employment and housing include traffic, noise, and air quality impacts. Appendix G of the CEQA Guidelines also identifies substantial growth or concentration of population as a significant effect.

The project proposes development of up to 561 dwelling units on the site, with an estimated population of approximately 1,320 people.[3] While the project would increase the number of housing units in a City that already has more housing than jobs within its boundaries, this is not considered a significant environmental impact, because the proposed residential development is consistent with planned growth for the area and conforms with the General

[3] Debbie Hill, ROEM Development Corporation, Environmental Clearance Application, April 30, 2002.

Plan Land Use/Transportation Diagram designation for the site. For these reasons, the project is not considered to result in substantial growth of concentration of population.

- **Based upon the above discussion, the project would not result in a significant impact due to substantial growth or concentration of population that is inconsistent with the General Plan. (Less Than Significant Impact)**

3. Mitigation and Avoidance

- No mitigation required.

***Conclusion*: The project would not result in a significant impact on population, jobs, and housing. (Less Than Significant Impact)**

C. GEOLOGY AND SOILS

1. Existing Setting

Geology and Soils

The project site is located in the Santa Clara Valley, an alluvial basin, bounded by the Santa Cruz Mountains to the southwest and west, the Diablo Mountain Range to the east, and the San Francisco Bay to the north. The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mt. Hamilton-Diablo Range were exposed by continued tectonic uplift and regression of the island sea that had previously inundated this area. As a result of this process, the topography of Santa Clara Valley is relatively flat and there are no significant mineral resources. Today the Guadalupe River and Coyote Creek are major drainages that continue to deposit sediments into the southern San Francisco Bay from the Santa Cruz Mountains and the Mt. Hamilton-Diablo Range respectively.

Based on U.S. Geological Survey (USGS) topographic maps, the site's elevation is approximately 130 feet above mean sea level. Topography in the vicinity of the site slopes gently to the southeast, towards Coyote Creek. The shallow water-bearing zone likely is encountered at depths of approximately 30-35 feet.[4] Soils overlying the shallow water-bearing zone likely consist of silty clays interspersed with more permeable units. Ground water beneath the site likely flows north toward the San Francisco Bay.

The project site is located in an area dominated by moderately well to somewhat excessively drained, medium to fine textured soils of the alluvial plains and fans. Within this group, there are several soil associations. The project site is in the Yolo association, the properties of which are described in Table 3.

TABLE 3
SOILS PRESENT AT PROJECT SITE

Soil	Name	Shrink/ Swell	Drainage	Subsoil Permeability	Runoff	Erosion	Inherent Fertility
YaA	**Yolo Loam**	Moderate	Good	Moderate	Very Slow	None	High
YeA	**Yolo Silty Clay**	Moderate	Good	Moderately Slow	Very Slow	None	High

Source: *Soils of Santa Clara County, 1968.*

[4] *Lowney Associates* Phase I Environmental Site Assessment, County Fairgrounds Site, San José California, January 14, 2002.

Seismicity and Seismic Hazards

The project site is located within the seismically active San Francisco Bay Region. The Uniform Building Code designates the entire South Bay as Seismic Activity Zone 4, the most seismically active zone in the United States. The faults of concern in the region are shown on Figure 12 and are capable of generating earthquakes of magnitude 7.0 or higher. Therefore, it is expected that earthquakes could produce very strong ground shaking in the vicinity of the project site during the life of the proposed project.

The San Andreas Fault lies approximately 11.5 miles to the southwest of the site, and the Calaveras is located approximately 10.5 miles to the northeast. The Monte Vista and Hayward faults are located 7.5 miles to the west and 6.5 miles to the northeast, respectively. There are no known faults or Alquist-Priolo Special Study Zones close to the project, and therefore, fault rupture on the site is unlikely. The site, however, would be subject to severe ground shaking in the event of an earthquake on one of the faults in the region.

Landslides are a major geologic hazard within the hilly and mountainous portions of the County. However, the project site has very gentle to flat slopes, and is not considered to be susceptible to landslides.

Liquefaction is another seismic hazard in which soils are temporary transformed into a liquid-like state during the stress of an earthquake. During maximum credible earthquakes, ground failure analysis indicates that significant liquefaction could occur within alluvial portions of the County. Vertical distortions and/or lateral movements could occur as a result.[5] However, the soil types found on the project site have a low susceptibility to liquefaction.

2. Geology and Soils Impacts

For the purposes of this project, a geologic impact is considered significant if the project would:

- expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure (including liquefaction), landslides or expansive soil; or
- expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety design techniques; or
- cause substantial erosion or siltation.

Soils and Geologic Impacts

The project site is generally flat and the potential for erosion and siltation during construction is low. During periods of heavy rainfall, however, run-off can occur. Implementation of standard grading and best management practices would prevent substantial erosion and siltation during development of the site. (see Section *II. D. Hydrology and Water Quality* for proposed mitigation).

[5] Cooper-Clark and Associates, *Geotechnical Investigation City of San José's Sphere of Influence,* Technical Report and Maps, 1974.

- **With incorporation of standard grading and best management practices, the project would not result in significant erosion and siltation impacts during development of the site. (Less Than Significant Impact)**

Seismic Hazards

Although the project site is not located on or near an earthquake fault, it is within the seismically active San Francisco Bay Area, and moderate to severe ground shaking is probable during the useful life of the proposed buildings and parking areas. The proposed residential buildings would be designed and built in conformance with the requirements of the Uniform Building Code for Seismic Zone 4. The potential for geologic and soils impacts resulting from conditions on the site will be mitigated by utilizing standard engineering and construction techniques.

- **With incorporation of standard engineering requirements, the project would not be subject to significant seismic hazard impacts. (Less Than Significant Impact)**

3. Mitigation and Avoidance

The project as proposed would not result in any significance adverse geologic or soils impacts. The following specific elements are incorporated into the proposed project in order to avoid potentially adverse impacts:

- A detailed, design-level geotechnical investigation for the project would be completed by the applicant prior to Public Works clearance and issuance of building permits to address the potential geologic hazards on the site. The geotechnical investigation for individual buildings would be completed and submitted to the City Geologist prior to the commencement of construction.

- A grading permit would be obtained prior to the issuance of a Public Works Clearance for the project. The applicant would conform with the requirements outlined in the grading permit.

- Seismic hazards to the proposed project would be mitigated by the project utilizing design and construction practices in accordance with Seismic Zone 4 building criteria for residential structures, as described in the Uniform Building Code. Zone 4 criteria allows structures to resist minor earthquakes without damage and major earthquakes without collapse.

***Conclusion*: The project would not be exposed to significant geologic or soil hazards that could not be mitigated by the use of standard engineering design and seismic safety techniques. (Less Than Significant Impact)**

D. HYDROLOGY AND WATER QUALITY

1. Existing Setting

Drainage

Based on Federal Emergency Management Agency (FEMA) flood insurance rate maps, the proposed project site is located in Flood Zone D. Zone D is defined as an area of undetermined, but possible, flood hazard.[6] However, the site is approximately 2,200 feet from Coyote Creek, which is within the 100-year[7] flood plain.

Runoff from the area is conveyed to the existing 36-inch storm drain system within Tully Road, which eventually drains into Coyote Creek. The project site is predominantly covered with pervious surfaces under existing conditions. Most of the site is currently vacant land, consisting of five existing baseball fields and a dirt parking and storage area near Tully Road (refer to Figure 3).

Water Quality

Stormwater runoff from the site is collected by storm drains and is discharged to Coyote Creek. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, animal feces, etc.) pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitat of waterways such as the Coyote Creek and San Francisco Bay, into which the creek flows.

2. Hydrology and Water Quality Impacts

For the purposes of this project, a drainage, flooding or water quality impact is considered significant if the project would:

- increase the risk of flooding or flood related property loss or hazard to human life; or
- significantly increase peak stormwater runoff; or
- substantially impede or redirect flood flows; or
- substantially degrade or deplete groundwater resources; or
- significantly increase peak stormwater runoff in a manner which would result in flooding on- or off-site or substantially exceed the capacity of existing or planned stormwater drainage systems; or
- provide substantial additional sources of polluted runoff or otherwise substantially degrade surface or ground water quality; or
- violate any water quality standards or discharge requirements.

[6] Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map, Community Panel Number 060349-0265 D.

[7] The 100-year flood, also referred to as the one-percent flood, has a one percent statistical probability of occurring in any year, or a return period of 100 years. The occurrence of a 100-year flood does not change the probability of a 100-year flood occurring in succeeding years. The 100-year flood is the standard design level of protection set by the Federal Emergency Management Agency (FEMA), which is responsible for administration of the National Flood Insurance Program.

Drainage

The project site is predominantly covered with pervious surfaces under existing conditions. The proposed residential project would replace most of these pervious surfaces with impervious surfaces, including the residential buildings, streets, and parking lot areas. Most of the stormwater falling on-site would flow into the storm drain system. The project would generate additional stormwater runoff, which would increase demand on the stormwater drainage system. The project proposes to connect to a 36-inch storm drain, which will be constructed by the adjacent Valley Health Clinic project in the common private access road (refer to Figures 4 and 5). This 36-inch pipe will connect to the existing 36-inch County storm drain system that extends to the east and eventually drains to Coyote Creek.

The project would be designed to minimize additional runoff from the site. The proposed 36-inch storm drain line in the private access road (shared with the adjacent VHC project) will also be extended south as part of the proposed project, and will connect to the stormwater detention facility planned as part of the Fairgrounds Revitalization Project. This detention facility is being constructed by the County and will provide additional storage and retention capacity to offset the additional stormwater runoff that will be generated by the proposed project and the VHC project, in order to comply with the California Regional Water Quality Control Board's NPDES requirements (Provision C.3 of NPDES Permit Number CAS0299718). Refer to Section *I. F. Consistency with Adopted Plans and Policies*, of this EIR for a description of these requirements. With the on-site connections to the existing storm drain system along Tully Road and the County's stormwater detention facility, the increased runoff from the site could be accommodated, and the project would not significantly impact the capacity of the storm drainage system in the project area. For these reasons, the project would not result in significant drainage impacts.

(Refer to *Section II. M. Utilities and Services* of this EIR for a discussion of the project's projected water usage and the availability of water supply to serve the project.)

- **The project would not significantly alter the drainage patterns in the site area. (Less Than Significant Impact)**

Flood Hazards

As described in the existing setting, the project site is not located within a 100-year floodplain and would, therefore, have no impact on 100-year flows; nor would it expose people to significant flood hazards associated with the 100-year flood. The site is not subject to seiche or tsunami.

- **The project would not result in exposure to significant flooding hazards. (Less Than Significant Impact)**

Water Quality

Construction of the proposed buildings, as well as grading and excavation activities, may result in temporary impacts to surface water quality. Vehicle use and human activity would increase on the site. While podium parking reduces the amount of runoff from parking lot areas, overall the amount of impervious surfaces, such as buildings and open paved areas, would increase by approximately 7.8 acres. The amount of pollution carried by runoff from buildings and pavement would, therefore, also increase accordingly.

Project grading and construction activities would affect the water quality of stormwater surface runoff. Construction of the project buildings and paving of streets and parking lots would also result in a disturbance to the underlying soils, thereby increasing the potential for sedimentation and erosion. If disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system and Coyote Creek.

- **Development of the proposed project could cause a significant temporary increase in the amount of contaminants in stormwater runoff during construction. (Significant Impact)**

3. Mitigation and Avoidance

- Prior to construction of the project, the City of San José would require that the applicant(s) submit a Stormwater Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Regional Water Quality Control Board. The SWPPP shall include control measures during the construction period for:

    - ◊ soil stabilization practices
    - ◊ sediment control practices
    - ◊ sediment tracking control practices
    - ◊ wind erosion control practices and
    - ◊ non-storm water management and waste management and disposal control practices.

- The project would also comply with the City of San José Grading Ordinance, including erosion- and dust-control during site preparation, and with the City of San José Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction.

- The project would also include provision for post-construction structural controls in the project design where feasible, and would include Best Management Practices (BMP) for reducing contamination in stormwater runoff as permanent features of the project. These BMPs and design features could include, for example: regular sweeping of parking lots and driveways; use of erosion control devices such as silt fences; installation of inlet features, separators or similar controls in stormwater catch basins; biofilters; vegetated swales; and stenciling on-site catch basins to discourage illegal dumping.

- The project would comply with Provision C.3 of NPDES Permit Number CAS0299718, which provides enhanced performance standards for the management of stormwater for new development. (Refer to Section *I. F. Consistency with Adopted Plans and Policies*, of this EIR, for a description of these requirements.)

- The proposed 36-inch storm drain line in the private access road (shared with the adjacent VHC project) will be extended south as part of the proposed project, and will connect to the stormwater detention facility planned as part of the Fairgrounds Revitalization Project. This detention facility is being constructed by the County and will provide additional storage and retention capacity to offset the additional stormwater runoff that will be generated by the proposed project and the VHC project, in order to comply with

the California Regional Water Quality Control Board's NPDES requirements (Provision C.3 of NPDES Permit Number CAS0299718).

- The applicant, their arborists and landscape architects, will work with the City and the SCVURPPP to select pest resistant plants to minimize pesticide use, as appropriate.

***Conclusion*: With the implementation of the mitigation measures above, the proposed project would not result in significant hydrology or water quality impacts. (Less than Significant Impact with Mitigation)**

E. BIOLOGICAL RESOURCES

1. Existing Setting

The project site is located within an urban area and is surrounded by urban development. The project site itself consists of a vacant dirt lot and five baseball fields. Vegetation on the site consists almost entirely of non-native trees, shrubs, grasses and forbs. Landscaping and ruderal vegetation are the dominant plant communities on and adjacent to the site. No creek channels, riparian habitat, jurisdictional wetlands, or other sensitive habitats are present on or adjacent to the project site. Due to the lack of native vegetation and water on-site, as well as the level of activity and disturbance on the site, the site does not provide suitable habitat to support the majority of special status plant or wildlife species.

Animal species that would routinely use the existing habitat would be those species adapted to human occupancy, such as Mourning Dove, House Finch, House Sparrow, Northern Mockingbird, Rock Dove, and Brewer's Blackbird.

Nesting Raptors

Two Red-tailed Hawks were observed foraging on the site during a field survey.[8] It is not known whether the Red-tailed Hawks nest in the trees on the site.

Burrowing Owls

Burrowing Owl surveys were completed on the project site in March, 2001 by *URS*, in accordance with California Department of Fish and Game (CDFG) protocols. No Burrowing Owls, or evidence of their presence on the site (such as pellets, scat, or feathers) was identified during these surveys. Habitat on the site is not considered favorable for burrowing owls, in part because of the proximity of tall trees used by Red-tailed Hawks (which prey on Burrowing Owls) and the uses such as ball fields. Also, the grasses on the southern portion of the site are tall and do not provide suitable Burrowing Owl habitat. For these reasons, it is unlikely that burrowing owls nest or frequent the project site. Therefore, under existing conditions, the project site does not constitute Burrowing Owl habitat.

Ordinance-Size Trees

The City of San José Tree Removal Controls (San José City Code, sections 13.31.010 to 13.32.100) serve to protect all trees of "ordinance-size." The City of San José Tree Ordinance defines an ordinance-sized tree as "any woody perennial plant characterized by having a main stem or trunk which measures 56 inches or more in circumference (17.83 inches or more in diameter) at a height of 24-inches above natural grade slope."

There are approximately 114 landscape trees along the perimeter of the site. Approximately 20 of these trees on the site are ordinance size. These include five Elms, five Coast Live Oaks, two Chinese Elms, three Eucalyptus, two California Peppers, one Brazilian Pepper, and one Canary Island Palm tree. Most of these ordinance-size trees are in moderate to good condition. The locations of all the trees on the site are shown on Figure 13 and the ordinance size trees are described in Table 4. The complete list of the trees on-site, their species, size and condition, are presented in the tree survey in Appendix C of this EIR.

[8] David J. Powers & Associates, June 2002.

TABLE 4
ORDINANCE SIZE TREES ON THE SITE
(Based on Tree Survey Conducted on 6/26/02)

Tree #*	Common Name	Scientific Name	Circumference in Inches at 2 Feet Above Grade	Health and Vigor**
4	Elm	*Ulmus sp.*	71	3
35	Coast Live Oak	*Quercus agrifolia*	64	3
36	Coast Live Oak	*Quercus agrifolia*	58	3
37	Elm	*Ulmus sp.*	58	3
40	Chinese Elm	*Ulmus parvifolia*	64	4
42	Elm	*Ulmus sp.*	60	4
44	Elm	*Ulmus sp.*	88	3
48	Elm	*Ulmus sp.*	63	3
50	Brazilian Pepper	*Schinus terebinthifolius*	97	4
57	Coast Live Oak	*Quercus agrifolia*	70	3
77	Eucalyptus	*Eucalyptus sp.*	162	2
79	Coast Live Oak	*Quercus agrifolia*	79	4
80	Coast Live Oak	*Quercus agrifolia*	58	3
87	Chinese Elm	*Ulmus parvifolia*	68	3
92	Eucalyptus	*Eucalyptus sp.*	71	3
100	Eucalyptus	*Eucalyptus sp.*	56	3
101	Eucalyptus	*Eucalyptus sp.*	74 and 72	3
107	California Pepper	*Schinus molle*	41, 74 and 79	3
110	California Pepper	*Schinus molle*	120	4
114	Canary Island Palm	*Phoenix canariensis*	137	4

*** These numbers correspond to those shown on Figure 13.**
****Ratings:**
0=Dead; 1=Very Low Vigor; 2=Low Vigor; 3=Moderate Vigor; 4=High Vigor; 5=Very High Vigor

2. Biological Resources Impacts

For the purposes of this project, impacts to vegetation and wildlife are considered significant if the project would:

- have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations; or
- have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations; or
- have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or

- interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Potential Impacts to Nesting Raptors, including Red-tailed Hawk and Loggerhead Shrike During Construction

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state laws and regulations. The federal Migratory Bird Treaty Act (16 U.S.C. § 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Birds of prey are protected in California under Fish and Game Code section 3503.5. Section 3503.5 states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." In addition, the Golden Eagle, along with the Bald Eagle, is federally protected under the Bald Eagle Protection Act (16 U.S.C. 668-668c).

As described above, two Red-tailed Hawks were observed foraging on the project site in June of 2002. If the Hawks also nest in trees on the site, any loss of fertile raptor eggs, or individual nesting raptors, or any activities resulting in nest abandonment, would constitute a significant impact. Construction activities such as tree removal, site grading, etc., that disturb a nesting raptor on-site or immediately adjacent to the site, would constitute a significant impact.

- **Construction activities such as tree removal, site grading, etc., could result in significant impacts to raptors nesting in trees on the site. (Significant Impact)**

Potential Impacts to Burrowing Owls, Their Burrows, Nests, Eggs, or Young

As discussed above, raptors and their nests are protected under both federal and state laws and regulations, including the Migratory Bird Treaty Act and California Fish and Game Code section 3503.5. No Burrowing Owls were observed and no vacant burrows were observed during the protocol-level surveys. There are no records of Burrowing Owls using this site or sites in the immediate area. Based on these facts, the site is not considered nesting habitat for the Burrowing Owl. Even though the site contains land that could potentially be utilized by Owls, there is presently no evidence to indicate the presence of Burrowing Owls. Thus, the development of this project would not constitute a significant impact.

While development of the site would not be a significant impact to Burrowing Owl habitat, the existence of ground squirrel burrow on the property means that a Burrowing Owl could occupy the site, at least temporarily. The project includes pre-construction surveys and appropriate methods to ensure that impacts to individual Owls are avoided (see discussion under Mitigation and Avoidance, below).

- **The project site does not provide suitable Burrowing Owl habitat. (No Impact)**

Ordinance-Size Trees

The project would result in the loss of the majority of the landscape trees along the perimeter of the site. The removal of the landscape trees on-site would not be considered a significant biological impact, although the City discourages removal of mature Oak trees.[9] The project would result in the removal and loss of all 20 ordinance-size trees listed in Table 4. As described above, these include five Coast Live Oaks, five Elms, two Chinese Elms, three Eucalyptus, two California Peppers, one Brazilian Pepper, and one Canary Island Palm tree (refer to Table 4). Nearly all of the ordinance-size trees on the site are classified as being in moderate to high health and vigor. The loss of 20 mature, healthy trees in an area with relatively little established vegetation would be significant.

- **The loss of 20 ordinance-sized trees, including mature Live Oak trees, would be a significant impact. (Significant Impact)**

3. Mitigation and Avoidance

Potential Impacts to Nesting Raptors, including Red-tailed Hawk and Loggerhead Shrike During Construction

Implementation of the following mitigation measures would reduce the potential for project impacts to nesting raptors, including Red-tailed Hawks, to a less than significant level.

- *Avoid nesting season construction*. Demolition and construction would be scheduled to avoid the nesting season to the extent feasible. The nesting season for most raptors in the area extends from January through August.

- *Preconstruction/Predisturbance Surveys*. If it is not possible to schedule demolition and construction between September and January, then preconstruction surveys for nesting raptors shall be conducted by a qualified ornithologist or wildlife biologist to ensure that no raptor nests shall be disturbed during project implementation. This survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the qualified person shall inspect all trees in and immediately adjacent to the impact areas for raptor nests. If an active nest is found within 250 feet of the construction/demolition area to be disturbed by these activities, the ornithologist, in consultation with CDFG, would determine the extent of a construction-free buffer zone to be established around the nest.

Burrowing Owls

The above analysis and conclusion notwithstanding, there is a small potential that one or more Burrowing Owls could move onto the project site prior to the commencement of construction. Burrowing Owls, like many other bird species, are protected under both federal and state law and the harming of individual Owls during construction would be illegal.

[9] City of San José, 2020 General Plan, Urban Forest Policy #2.

Therefore, although not mitigation under CEQA, the following tasks shall be undertaken in order to ensure that no individual Burrowing Owls are harmed:

- Within 30 days prior to the start of construction, a qualified wildlife biologist shall survey the project site for the presence of burrowing owls. If owls are found to be present, the applicant shall implement measures to prevent harm to the owls. Any action to relocate an owl shall be undertaken only upon approval of the California Department of Fish and Game.

Ordinance-Size Trees

While the removal of the landscape trees on-site would not be considered a significant biological impact, the City of San José would require the replacement of lost ordinance-size trees. There are approximately 20 ordinance-sized trees that would be removed for the proposed project. Prior to construction, the following mitigation measures would reduce impacts resulting from the removal of ordinance size trees:

- Healthy and mature trees would be incorporated into project landscaping design. All of the Coast Live Oaks will be preserved. Ordinance-size trees would be removed, boxed, and replanted on-site as part of the project landscaping. For all ordinance-sized trees removed, four 15-gallon trees would be incorporated into project landscaping. For any oak trees removed, replacement trees would be locally grown oaks.

***Conclusion*: With implementation of the above mitigation measures, the proposed project would not result in significant impacts to biological resources. (Less than Significant Impact with Mitigation)**

F. HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based upon a Phase I Environmental Site Assessment conducted by *Lowney Associates*, in January, 2002. The investigation included a site reconnaissance, and a review of available documents, maps, aerial photographs and a database list report. The objectives of this investigation were to identify existing and potential contamination sources, evaluate potential impacts to the project, and develop recommendations for any further investigations that may be required to determine the extent of any subsurface contamination. The complete report is included in Appendix D of this EIR.

1. Existing Setting

The project site is located at 350 Tully Road in San José (APN 497-38-001). The site is currently an undeveloped parcel located adjacent to Tully Road between Tenth Street and Senter Road (refer to Figures 2 and 3). The northern portion of the site is mostly dirt and gravel, and there are five (5) existing baseball fields, which are currently leased to the Spartan Little League, on the central and southern portion of the site.

According to information provided by Mr. Ray Lueckeman, Director of Operations for the Santa Clara County Fairgrounds Management Corporation, the site is owned by the County of Santa Clara, and has been leased to the Santa Clara County Fairgrounds Management Corporation and used for Fairgrounds operations, since 1939. No hazardous materials are used on-site.

Regulatory Review

As part of the Phase I investigation, a regulatory agency database report was reviewed to determine the presence of any reported contamination incidents within the site vicinity. A list of the database sources reviewed, a detailed description of these sources, and radius map indicating the location of the reported facilities near the project site are presented in Appendix D of this EIR. The database report identified four spills and releases near the project site. These are described below.

Santa Clara County Fairgrounds Property (344 Tully Road)

The entire Santa Clara County Fairgrounds have the address of 344 Tully Road. Based on information obtained for this analysis, it appears that this listing is for the primary Fairgrounds property, not the project site. This listing is for a release of diesel fuel to the soil from a leaking underground storage tank (LUST), in either 1988 or 1995. The spill was remediated through excavation of the impacted soil, and no further action granted. This listing also stated that there are five (5) gasoline and one (1) diesel UST present on the primary Fairgrounds property.

Focus Photography/Foote Photo Company (344 Tully Road)

Based on information obtained for this analysis, it appears that this listing is for a promotions business also operating at the primary Fairgrounds property, not the project site. The listing was for the use and disposal of photochemicals.

Santa Clara County (344 Tully Road)

Based on information obtained for this analysis, it appears that this listing is also for the primary Fairgrounds property, not the project site. This listing was for the disposal of asbestos-containing waste and a leaking UST.

City of San José Fire Station 26 (528 Tully Road)

This listing was for a release of gasoline to the ground water from a leaking UST. No further action was required and the case was closed in October of 2000.

Based upon the information in the Phase I analysis, there are no significant reported impairments to the regional ground water in the project site area. Limited areas of ground water impacted by petroleum hydrocarbons from leaking USTs are present in the site vicinity, however, they do not appear to be a significant threat to the site or future residents or workers at the site.

Field Survey

A field survey of the project site was conducted on January 2, 2002. Mr. Ray Lueckeman, Director of Operations for the Santa Clara County Fairgrounds Management Corporation, was interviewed and accompanied Lowney Associates staff during part of the field survey. At the time of the survey, the site was developed with a dirt parking lot, five Little League baseball fields, and several small storage structures. The dirt parking lot area is located adjacent to Tully Road and extends back towards the central portion of the site. The baseball fields are located on the central and southern portion of the site. Numerous *Asplundh* tree servicing trucks were observed in the dirt lot area, and mulch was observed in several locations around the dirt parking lot. One locked freight container and one porta-potty were also present on the dirt lot area.

Immediately southeast of the dirt parking lot area, five Little League baseball fields were observed, with associated painted wooden bleachers, dugouts and two additional storage or snack shack structures. Land between the baseball fields was undeveloped and grassy in nature, and some areas were covered with mulch.

Two small storage buildings were observed in the northern corner of the site, immediately south of the fire station. The buildings were locked and the interiors were not inspected. Old field maintenance equipment was abandoned in this area, including old movers and rollers. A large chain-link dog run with a dog was also observed in this area.

According to Mr. Lueckeman, a portion of the fenced fire station property is actually part of the County Fairgrounds property. One building, appearing to be a storage building, and several freight containers, were present on this portion of the site. Access to this area was not available at the time of the field survey.

2. Hazards and Hazardous Materials Impacts

For the purposes of this project, a hazard or hazardous materials impact is considered significant if the project would:

- create a significant hazard to the public or the environment through the routine transport, use, storage, production or disposal of hazardous materials; or
- create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or
- be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

Impacts to the Project

No hazardous material incidents have been reported in the site vicinity that would be likely to significantly impact the site. Several facilities in the vicinity, however, were reported as hazardous material users. According to the regulatory agency database review, the site was listed as containing a leaking UST, the use and disposal of photochemicals, and asbestos-containing waste. As described above, these listings appear to be for the primary Fairgrounds property, not the project site.

In addition, the City of San José Fire Station #26, adjacent to the project site, was listed for a release of gasoline to the ground water from a leaking UST. Based upon the information gathered about these incidents during the Phase I analysis, none of the incidents reported in the site vicinity are likely to impact the project site. There is a low probability that a release at one of the hazardous materials users in the vicinity could impact the project site in the future. None of these nearby facilities is listed as using acutely hazardous materials that might result in a significant health or safety impact if accidentally released.

Based upon the information reviewed during the Phase I analysis, there are no significant reported impairments to the regional ground water in the project site area. Limited areas of ground water impacted by petroleum hydrocarbons from leaking USTs are present in the site vicinity, however, they do not appear to be a significant threat to the site or future residents or workers at the site.

- **Development of the site would not expose future residents or workers at the site to a significant risk from hazardous materials contamination. (Less Than Significant Impact)**

Impacts from the Project

The proposed residential project would not use or store large quantities of hazardous materials on the site. Normal janitorial cleaning chemicals would be used, as would typical water treatment chemicals in rooftop air conditioning units and for the swimming pool. Pesticides and herbicides would also be used in outdoor landscaping areas. However, no corrosives would be stored or used at the site. As a result, the proposed residential project would not expose residents, workers, or adjacent land uses to hazardous materials.

- **The proposed project does not propose the use or storage of large quantities of hazardous materials on the site, and would not itself create the potential for significant impacts from hazardous materials to nearby land uses. (Less Than Significant Impact)**

Lead-Based Paint

There is a moderate likelihood that the baseball-related structures on-site (i.e., the bleachers and dugouts) are coated with lead-based paint. If the lead-based paint is still bonded to the building materials, its removal would not be required prior to demolition. If the lead-based paint is peeling, flaking or blistered, it would be removed prior to demolition. Demolition of these structures could expose construction workers or other persons in the vicinity to harmful levels of lead. However, the project would conform with the required regulatory programs to reduce health risks associated with lead-based paint. Therefore, the project would not be subject to significant impacts from the presence of lead-based paint.

- **Demolition of the baseball field structures could expose construction workers or other persons in the vicinity to harmful levels of lead. The project would incorporate standard regulatory requirements to avoid any significant impacts. (Less Than Significant Impact)**

3. Mitigation and Avoidance

The project as proposed would not result in any significant adverse hazardous materials impacts. The following specific elements are incorporated into the proposed project in order to avoid potentially adverse impacts:

Lead-Based Paint

Conformance with the following regulatory programs would reduce health risks associated with lead-based paint to a less than significant level:

- As appropriate, a lead survey of painted surfaces and soil around the baseball field structures built prior to 1978 shall be performed prior to demolition. Requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations (CCR) 1532.1 would be followed during demolition activities, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.

***Conclusion*: The project would comply with regulations governing the use and storage of hazardous materials, including the removal of lead-based paint, and would not create a significant hazard to people or the environment. (Less than Significant Impact)**

G. CULTURAL RESOURCES

The following discussion is based upon an archaeological resources assessment completed by *Holman & Associates* in June 2002, which included an archival literature review, a field survey, and subsurface field testing. Archival research included a review of pertinent literature and maps, and record reviews at the California Historical Resources Information System at Sonoma State University. Because the archaeological report discusses the location of specific archaeological and historic sites, it is considered administratively confidential and is not included in this EIR. The report is on file with the City of San José, Department of Planning, Building and Code Enforcement and can be viewed during normal business hours.

1. Existing Setting

Throughout the City of San José, Native American artifacts and remains have been discovered in archaeologically sensitive areas, including alluvial area near creeksides and hillsides. The proposed project site is located approximately 0.5 miles west of Coyote Creek.

Archival Literature Search

The archival search determined that there have been no previous archaeological field inspections of the project site. The nearest survey was conducted on Tully Road with negative findings. There are no archaeological sites recorded on or within 1,500 feet of the project site. The only recorded sites in the area are located along Coyote Creek and on Curtner Avenue.

Field Survey

A field survey of the site was conducted to identify indicators of prehistoric population or use of the area, such as darkened soils, evidence of fires, artifacts of stone, bone or shellfish, and evidence of animal or human burials. However, the native ground surface was obscured by the ball fields, the parking/dirt lot area and the grasses on the southern portions of the site. Because prehistoric resources in the region are typically buried beneath the most recent alluvial soils, subsurface testing was conducted to review the potential for prehistoric and historic resources to be present on the site.

No historic structures or resources were observed on the site during the field survey.

Subsurface Testing

Subsurface testing of the site was accomplished by trenching with a backhoe. Because the ball fields are generally used during June, ten trench locations were selected on the site, avoiding the ball fields. Seven of the trenches were located in the dirt lot/parking areas on the north and western portions of the site, one was excavated in a grassy area the near the largest ball field, and two were excavated in the wood-chip covered area in the northeast portion of the site. Trenches were approximately two feet wide, by nine feet long, and were excavated to depths of approximately 6.5 feet. Visual inspection of the trenches and backhoed soil revealed a consistent soil profile under the disturbed and filled surficial layers.

No evidence of archaeological or historic resources was found within the project site area, during the archival research, the field survey, or the subsurface testing.

2. Cultural Resources Impacts

For the purposes of this project, a cultural resource impact is considered significant if the project would:

- cause a substantial adverse change in the significance of an historical resource; or
- cause a substantial adverse change in the significance of an archaeological resource; or
- directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature; or
- disturb any human remains, including those interred outside of formal cemeteries.

Archaeological Resources

The archival search, archaeological field inspection and subsurface testing of the project site determined that no known cultural resources are located on-site, and no further research or testing is recommended or warranted at this time. Therefore, the project would not likely result in significant impacts to archaeological of historic resources. However, although no archaeological resources were found on the site, it is possible that subsurface deposits may exist on the site. The project includes the standard measures described below during construction to minimize any significant impacts to cultural resources, which could be present at the site.

- **The project is not anticipated to result in significant impacts to archaeological resources. (Less Than Significant Impact)**

Historic Resources

As described above, no historic structures or resources were discovered on the project site. The materials uncovered during backhoe testing did not include any historic resources. Therefore, construction of the project would not result in impacts upon historic resources.

- **The project would not result in impacts to significant historic resources. (No Impact)**

3. Mitigation and Avoidance

Although it is unlikely that buried cultural material would be encountered, standard conditions for excavation activities would be applied to the project, as described below. The project includes the following measures for all development activities that include excavation or disturbance of existing ground surface in order to avoid potential impacts to buried cultural resources.

- In the unlikely event that cultural materials are incidentally encountered or disturbed during project construction or utility trenching, all construction within a radius of 50-feet of the find shall be halted, the City's Director of Planning, Building and Code Enforcement would be notified, and the archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation and analysis of any significant cultural materials. A report of findings documenting any

data recovered during monitoring shall be submitted to the Director of Planning, Building and Code Enforcement.

- In the event that human skeletal remains are encountered on the site, the applicant shall immediately notify the County Coroner, as required by County Ordinance No. B6-18. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian Affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of State law and the Health and Safety Code. The Director of Planning, Building and Code Enforcement shall also be notified immediately if human skeletal remains are found on the site during development.

***Conclusion*: The project would not result in impacts to historic resources. The project includes standard measures to ensure that any potential subsurface archaeological resources are appropriately protected during project construction. With implementation of the above mitigation measures, the proposed project would not result in significant impacts to prehistoric or historic resources. (Less than Significant Impact)**

H. TRANSPORTATION AND CIRCULATION

The following discussion is based upon a transportation analysis completed by *DKS Associates* in May, 2002. The complete report is provided in Appendix E of this EIR.

1. Existing Setting

A description of the existing transportation system facilities in terms of the roadway network, intersections, transit service, bicycle and pedestrian facilities and parking is provided below.

Roadway Network

Regional Access

The project area and the surrounding roadway network are illustrated in Figure 14. Regional access to the project area is provided by U.S. Highway 101 (US 101), State Route 87 (SR-87), Monterey Highway (SR-82) and Capitol Expressway.

U.S. Highway 101 (US 101) extends from Los Angeles, in the south, to the Oregon state border, in the north. In the vicinity of the project, US 101 runs in the north-south direction, and includes three mixed-flow lanes and one high occupancy vehicle (HOV) lane in each direction of travel. US 101 provides access to the project study area with its interchanges with Capitol Expressway, Tully Road and at I-280/I-680.

State Route 87 (SR-87) is a four-lane facility extending from SR-85 in south San José to US 101 north of San José Airport. Access to the project study area from SR-87 is provided via its interchanges at Curtner Avenue and Alma Avenue.

Montere y Highway (SR-82) is a four- to six-lane limited access roadway. It extends from Alma Avenue-1st Street in San José to US 101 at the south end of Gilroy. Adjacent to the project site, Monterey Highway includes three lanes in each direction and signalized intersections at Curtner Avenue-Tully Road, Umbarger Road, and Lewis Road. Monterey Road has a posted speed limit of 45 mph.

Capitol Expressway is a six-lane limited access facility with a grade-separated interchange at Monterey Highway (SR-82). It extends between I-680 to the north and Almaden Expressway to the south, in San José. West of Almaden Expressway, Capitol Expressway becomes Hillsdale Avenue. In the vicinity of the project, Capitol Expressway runs in the east/west direction and has a posted speed limit of 45 mph.

Local Access

Local access is provided by Tully Road-Curtner Avenue, Alma Avenue, Senter Road, South Tenth Street, South Seventh Street, McLaughlin Avenue, Umbarger Road and Lewis Road. These roadways are described below:

Tully Road-Curtner Avenue is a two- to six-lane arterial with an east-west direction. It provides two lanes in the westbound direction of Seventh Street-Old Tully Road, and three lanes in the eastbound direction. Tully Road extends from Klein Road in the east, to its terminus with Monterey Highway in the west, where it becomes Curtner Avenue. Curtner Avenue is a four-lane roadway extending to Camden Avenue near Highway 17.

Alma Avenue is a four-lane local street with an east-west direction located north of the project site. It extends from Senter Road in the east, to its terminus with SR-87 in the west, where it becomes Minnesota Avenue.

Senter Road is a four-lane major roadway with a north-south direction, located east of the project site. It extends from Keyes Street in the north to Monterey Highway in the south. Senter Road includes a center two-way left-turn lane from between Lewis Road and Umbarger Road to north of Alma Avenue. Senter Road has a posted speed limit of 40 mph.

South Tenth Street is a two- to four-lane roadway with a north-south direction, located adjacent to the project site. It extends from Old Bayshore highway in the north to its terminus at Tully Road. Tenth Street operates in one-way direction southbound between Hedding Street in the north to Humbolt Street in the south. South of Humbolt Street, Tenth Street includes two lanes in each direction.

South Seventh Street is a two-lane local street with a north-south direction, located southwest of the project site. It extends from Commercial Street in the north to its terminus at Tully Road. The south leg of the Seventh Street/Tully Road intersection is Old Tully Road immediately adjacent to the project site. Seventh Street is closed to thru-traffic between its intersection with San Fernando Street and San Salvador Street, in the vicinity of San José State University.

McLaughlin Avenue is a two- to four-lane major arterial, with a north-south direction. It runs parallel to US 101 and extends from Williams Street in the north to Tuers Road in the south near Yerba Buena Road.

Umbarger Road is a two-lane minor street with an east-west direction. It runs from Monterey Highway in the west to Senter Road in the east. Abutting land uses are commercial and residential developments. Umbarger road provides a number of vehicle access points to the Fairgrounds property. Umbarger Road has a posted speed limit of 35 mph.

Lewis Road is a two-lane minor street with an east-west direction. It runs from Monterey Highway in the west to Senter Road in the east. Abutting land uses are primarily residential developments, except for commercial land uses along Monterey Highway. Lewis Road has a posted speed limit of 35 mph.

Existing Transit Service

The Santa Clara County Valley Transportation Authority (VTA) has jurisdiction over public transit in Santa Clara County. Santa Clara County VTA currently operates five local bus routes within the vicinity of the proposed project. The VTA bus routes that would mostly be used as single or connecting routes are Routes 26, 66, 68, 73, and 304A.

Route 26 This route provides service from Eastridge Mall in east San José to the Lockheed Martin development in the City of Sunnyvale. Weekday service is provided between 5:00 AM and 11:45 PM at 20-minute headways during the peak periods (7:00 AM - 9:00 AM and 4:00 PM - 6:00 PM) and at 30- to 60-minute headways during other times. Weekend service is provided at 30- to 60- minute headways between 7:00 AM and 9:30 PM Route 26 travels along Tully Road in the vicinity of the project.

Route 66 This route provides service between Santa Teresa Hospital and the City of Milpitas. Weekday service is provided between 5:00 AM and midnight at 15-minute peak period headways, while off-peak headways very between 30 and 60 minutes. Weekend service is provided between 6:00 AM and 11:30 PM at 30 to 60-minute headways. Route 66 travels along Tully Road and Umbarger Road in the vicinity of the project.

Route 68 This route provides service from Gilroy/Gavilan College in the City of Gilroy to the San José Caltrain Station. It operates during the weekday hours of 4:30 AM to 1:00 AM Peak period headways are 15 minutes and off-peak headways are 30 to 60 minutes. Route 68 operates at 30- to 60-minute headways between 6:00 AM and 12:30 AM on weekends. Route 68 travels along Monterey Highway in the vicinity of the project.

Route 73 This route provides service between Downtown San José and the Snell/Capitol Intersection. It operates between 5:00 AM and 10:00 PM at 15-minute headways during the day and at 30- to 60- minute headways after 6:00 PM. Weekend service is provided hourly between 7:00 AM and 8:00 PM. Route 73 travels along Senter Road in the vicinity of the project.

Route 304 and Route 305 Route 304 and Route 305 are limited stop routes that operate during the peak periods on weekdays only and link South San José to the Caltrain Station in the City of Mountain View. Both routes travel on Monterey Highway in the vicinity of the project site and include stops at Curtner Avenue-Tully Road, Umbarger Road and Lewis Road. Route 304 operates on 15- to 30- minute headways, while Route 34A provides hourly service during the peak periods.

Bicycle and Pedestrian Facilities

The bicycle facilities map identifies Seventh Street (north of Tully Road), Tully Road-Curtner Avenue (between Leigh Ave and Quimby Rd), Monterey Highway (south of Tully Road) and Capitol Expressway, as major roadways that include Class II bike lanes, respectively.[10] Tenth Street is a designated bike route from Hedding Street to Tully Road.

Pedestrian facilities within the vicinity of the site include sidewalks, crosswalks and pedestrian signals. Crosswalks and pedestrian signals at all of the signalized intersections accommodate pedestrian movements within the immediate vicinity of the project. Sidewalks are provided on both sides of Senter Road and Monterey Highway. Sidewalks are located along portions of the north side of Tully Road between Monterey Highway and the Franklin McKinley Elementary School site. Pedestrians along the south side of Tully Road cross the street at either Tenth Street or Senter Road to access the sidewalk on the north side of Tully Road.

Parking

According to the Santa Clara County Fairgrounds – Transportation & Parking Plan prepared by *DKS Associates*, the existing parking lot located on the north side of Tully Road opposite the main Fairgrounds entrance accommodates approximately 1,250 paved parking spaces. Additionally, the Fairgrounds site can accommodate about 5,000 (mostly unpaved) parking

[10] Class II facilities (bike lane) – are lanes on the outside edge of roadways reserved for the exclusive use of bicycles, so designated with special signing and pavement markings.

spaces. However, all Fairgrounds parking lots are subject to change as part of their revitalization plan, and on-street parking is prohibited on all local streets immediately adjacent to the Fairgrounds and the proposed Franklin McKinley Project Site.

Existing Intersection Levels of Service

Traffic conditions of the study intersections were evaluated using the concept of Level of Service (LOS). Refer to Figure 14 for the locations of the study intersections. Level of Service is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F or jammed conditions with excessive delays.

The City of San José designated intersection LOS software analysis program is TRAFFIX. TRAFFIX evaluates signalized intersection operation on the basis of average stopped delay for all vehicles at the intersection. The analysis uses procedures from the *1985 Highway Capacity Manual (HCM)* method for signalized intersections.

TRAFFIX is also the Congestion Management Program (CMP) designated intersection LOS software analysis program. The City of San José methodology embodies the CMP default values for the analysis parameters. The relationship between average delay and LOS is shown in Table 5, below.

TABLE 5
SIGNALIZED INTERSECTION LOS THRESHOLDS

Level of Service	Description	Average Stopped Delay (seconds/vehicle)
A	No congestion. All vehicles clear in a single signal cycle.	Delay ≤ 5.0
B+ B B -	Very light congestion. All vehicles clear in a single signal cycle.	5.0 < Delay ≤ 7.0 7.0 < Delay ≤ 13.0 13.0 < Delay ≤ 15.0
C+ C C-	Light congestion, occasional backups on some approaches or turn pockets.	15.0 < Delay ≤ 17.0 17.0 < Delay ≤ 23.0 23.0 < Delay ≤ 25.0
D+ D D -	Significant congestion on some approaches but intersection is functional. Vehicles required to wait through more than one cycle during short peaks.	25.0 < Delay ≤ 28.0 28.0 < Delay ≤ 37.0 37.0 < Delay ≤ 40.0
E+ E E -	Severe congestion with some long back ups. Blockage of intersection may occur. Vehicles are required to wait through more than one cycle.	40.0 < Delay ≤ 44.0 44.0 < Delay ≤ 56.0 56.0 < Delay ≤ 60.0
F	Total breakdown. Stop and go conditions.	Delay > 60.0

Source: Santa Clara County Congestion Management Program – 2000 Monitoring & Conformance Report. February 2001.

Based on the City of San José LOS standards, an acceptable operating LOS is defined as LOS D or better at all signalized intersections during the peak hours.

Study Intersections and Existing Traffic Volumes

The transportation study included the analysis of 19 intersections in the vicinity of the project site. Refer to Figure 14 for the locations of these intersections. For each of these identified intersections, the City of San José provided existing AM peak hour and PM peak hour intersection LOS calculations for the "existing" and "background" conditions. The intersections and their corresponding existing LOS are shown in Table 6.

TABLE 6
EXISTING INTERSECTION LEVEL OF SERVICE (LOS)

#	*INTERSECTION*	AM Peak Hour		PM Peak Hour	
		Avg. Delay[1]	LOS[2]	Avg. Delay[1]	LOS[2]
1	Monterey Highway-First St & Alma Avenue	27.9	D+	29.9	D
2	South Seventh Street & Alma Avenue	18.1	C	17.7	C
3	South Tenth Street & Alma Avenue	16.7	C+	17.1	C
4	Senter Road & Alma Avenue	7.6	B	11.3	B
5	McLaughlin Avenue & Tully Road	34.7	D	37.2	D-
6	Senter Road & Tully Road	29.1	D	37.4	D-
7	South Tenth Street & Tully Road	16.2	C+	22.5	C
8	South Seventh Street & Tully Road	20.1	C	27.9	D+
9	Monterey Highway & Tully Road	4.5	A	12.9	B
10	Monterey Highway & Curtner Avenue	28.0	D	35.3	D
11	SR-87 NB Ramps & Curtner Avenue	18.5	C	24.5	C-
12	SR-87 SB Ramps & Curtner Avenue	15.0	B-	8.1	B
13	Senter Road & Umbarger Road	7.8	B	7.5	B
14	Monterey Highway & Umbarger Road	13.8	B-	18.2	C
15	Monterey Highway & Lewis Road	9.8	B	14.2	B-
16	Monterey Highway & Capitol Expressway North Ramp	9.1	B	11.3	B
17	Monterey Highway & Capitol Expressway South Ramp	23.1	C-	8.7	B
18	Senter Road & Capitol Expressway	31.8	D	48.9	E
19	McLaughlin Avenue & Capitol Expressway	29.5	D	38.9	D-

[1] Average Delay – per vehicle, in seconds.
[2] LOS – Level of Service.

According to the City of San José intersection LOS standards, all study intersections currently operate at acceptable levels of service for the existing conditions, with the exception of the Senter Road/Capitol Expressway intersection. The Senter Road/Capitol Expressway intersection currently operates at LOS E during the PM peak hour.

Existing Freeway Segment Levels of Service

Existing traffic conditions at selected freeway segments were evaluated for AM and PM peak hours using the operational analysis procedures from the Transportation Research Board's *1994 Highway Capacity Manual*, as required by the Santa Clara County Congestion Management Program. The freeway segment analysis is on-file at the City of San José Department of Planning, Building and Code Enforcement and is available for review during normal business hours. The following freeway segments were analyzed:

- US 101 between Capitol Expressway and Tully Road
- US 101 between Tully Road and Story Road
- SR 87 between Capitol Expressway and Curtner Avenue
- SR 87 between Curtner Avenue and Almaden Expressway
- SR 87 between Almaden Expressway and Alma Avenue
- SR 87 between Alma Avenue and I-280
- I-280 between SR 87 and Tenth Street
- I-280 between Tenth Street and McLaughlin Avenue
- I-280 between McLaughlin Avenue and US 101

According to the 2001 Santa Clara County Freeway Monitoring Report, the following freeway segments currently operate at unacceptable LOS F during the AM peak hour:

- Northbound segments of mixed-flow or single occupant vehicle (SOV) and high-occupancy vehicle (HOV) along US 101 between Capitol Expressway and Tully Road.
- Northbound segments of mixed-flow or SOV along SR 87 between Capitol Expressway and Alma Avenue.
- Westbound segments of mixed-flow or SOV along I-280 between US 101 and Tenth Street.

The following segments currently operate at unacceptable LOS F during the PM peak hour:

- Eastbound segment of mixed-flow or SOV along I-280 between SR 87 and Tenth Street.
- Southbound segment of mixed-flow or SOV along US 101 between Story Road and Tully Road.
- Southbound segments of mixed-flow or SOV along SR 87 between I-280 and Almaden Expressway.
- Westbound segments of mixed-flow or SOV along I-280 between McLaughlin Avenue and SR 87.

Background Conditions

The following discussion describes background conditions in the project area. Background conditions are defined as conditions just prior to completion of the proposed development. Traffic volumes for background conditions comprise volumes from existing traffic counts plus traffic generated by other approved developments (as detailed in the City's Approved Trip Inventory [ATI] database) in the vicinity of the site.

Intersection LOS calculations were made to evaluate the operating levels of the study intersections under background conditions. The results of the LOS analysis under background conditions are shown in Table 7.

According to the City of San José intersection LOS standards, all study intersections operate at acceptable levels of service for the background conditions, with the exception of the Senter Road/Capitol Expressway intersection, which will continue to operate at LOS E during the PM Peak hour.

2. Transportation and Circulation Impacts

For the purposes of this project, a transportation and circulation impact is considered significant if the project would:

- cause a City of San José signalized intersection operating at LOS D or better under the background condition to operate at LOS E or F, or,
- cause: 1) an increase in critical delay by 4.0 or more seconds; **and** 2) an increase in the critical volume-to-capacity ration (v/c) of 0.010 or more, at a City of San José signalized intersection already operating at unacceptable LOS E or F under the background condition; or
- exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency for designated roads or highways; or
- result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; or
- substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment); or
- result in inadequate emergency access; or
- result in inadequate parking capacity; or
- conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

TABLE 7
BACKGROUND INTERSECTION LEVELS OF SERVICE

#	Intersection	AM Peak Hour		PM Peak Hour	
		Avg. Delay[1]	LOS[2]	Avg. Delay[1]	LOS[2]
1	Monterey Highway & Alma Avenue	28.3	D	29.9	D
2	South Seventh Street & Alma Avenue	18.1	C	17.7	C
3	South Tenth Street & Alma Avenue	16.6	C+	17.1	C
4	Senter Road & Alma Avenue	7.6	B	11.3	B
5	McLaughlin Avenue & Tully Road	35.1	D	38.5	D-
6	Senter Road & Tully Road	29.3	D	38.5	D-
7	South Tenth Street & Tully Road	16.0	C+	22.4	C
8	South Seventh Street & Tully Road	20.2	C	27.7	D+
9	Monterey Highway & Tully Road	4.6	A	13.4	B-
10	Monterey Highway & Curtner Avenue	29.7	D	36.8	D
11	SR-87 NB Ramps & Curtner Avenue	20.0	C	27.3	D+
12	SR-87 SB Ramps & Curtner Avenue	15.9	C+	10.6	B
13	Senter Road & Umbarger Road	8.0	B	7.6	B
14	Monterey Highway & Umbarger Road	13.9	B-	18.1	C
15	Monterey Highway & Lewis Road	11.3	B	14.8	B-
16	Monterey Highway & Capitol Expressway North Ramp	11.6	B	12.4	B
17	Monterey Highway & Capitol Expressway South Ramp	25.1	D+	9.9	B
18	Senter Road & Capitol Expressway	32.0	D	49.3	E
19	McLaughlin Avenue & Capitol Expressway	29.6	D	39.1	D-
20	Proposed Project Access Intersection on Tully Road	5.5	B+	6.3	B+

[1] Average Delay – per vehicle, in seconds.
[2] LOS – Level of Service.

Project Traffic Estimates

This section evaluates the impact of project-generated traffic. The amount of traffic associated with a project is estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. Trip generation is the process of predicting the number of peak hour trips a proposed development would contribute to the roadways, and whether these trips would be entering or exiting the site. After the number of trips is determined, the distribution process projects the direction these trips use to approach and depart the site, from a regional perspective. Trip assignment involves determining which specific roadways a vehicle would use to travel between its origin and destination.

Trip Generation

Trip generation of the proposed residential units was based on the *City of San José Trip Generation Rates*, as summarized in Table 8, for the AM and PM peak hours, respectively. Based on the proposed 360 attached residential units and 201 senior dwelling units, the project would generate approximately 3,424 daily trips, including an additional 358 AM peak hour trips (130 inbound, 228 outbound) and 358 trips (228 inbound, 130 outbound) during the PM peak hour.

Trip Distribution

The approach and departure distribution patterns for project trips of the proposed housing project were estimated based on existing travel patterns and the locations of complementary land uses. Figure 15 illustrates the trip distribution of the proposed residential project.

Trip Assignment

Project-generated trips were assigned to the roadway network based on access points and likely travel patterns. The proportion of these trips that would travel through the study intersections was used for the intersection LOS analysis under the project conditions.

Project Conditions

Planned Roadway Improvements

The project includes the following roadway improvement, which would be implemented by the anticipated completion date of the proposed project, and thus was included in this analysis:

- New traffic signal at the intersection of Tully Road and Public Storage Driveway, at the entrance of the proposed project.

Project Intersection Levels of Service

The peak-hour trip assignments for the proposed development were added to the background traffic volumes to obtain peak-hour traffic volumes for the project conditions. Intersection levels of service calculations were conducted to evaluate the impacts of the proposed project. The results of the LOS calculations are shown in Table 9.

TABLE 8
PROJECT TRAFFIC TRIP GENERATION

	Size	Daily		A.M. PEAK							P.M. PEAK						
		Rate	Trips	Rate	Percent		Rate		Vehicle Trips		Rate	Percent		Rate		Vehicle Trips	
					In	Out	Enter	Exit	In	Out		In	Out	Enter	Exit	In	Out
Residential (Single-family attached)	360	7.5	2,700	0.75	35	65	0.26	0.49	95	176	0.75	65	35	0.49	0.26	176	95
Residential (Senior Units)	201	3.6	724	0.43	40	60	0.17	0.26	34	52	0.43	60	40	0.26	0.17	52	34
TOTAL			**3,424**						**129**	**228**						**228**	**129**

TABLE 9
PROJECT INTERSECTION LEVELS OF SERVICE

#	Intersection	AM Peak Hour		PM Peak Hour	
		Avg. Delay[1]	LOS[2]	Avg. Delay[1]	LOS[2]
1	Monterey Highway & Alma Avenue	28.4	D	29.9	D
2	South Seventh Street & Alma Avenue	18.1	C	17.6	C
3	South Tenth Street & Alma Avenue	16.6	C+	17.1	C
4	Senter Road & Alma Avenue	7.6	B	11.3	B
5	McLaughlin Avenue & Tully Road	35.3	D	38.9	D-
6	Senter Road & Tully Road	29.4	D	38.7	D-
7	South Tenth Street & Tully Road	15.8	C+	22.3	C
8	South Seventh Street & Tully Road	20.3	C	27.7	D+
9	Monterey Highway & Tully Road	5.2	B+	13.5	B-
10	Monterey Highway & Curtner Avenue	30.4	D	37.4	D-
11	SR-87 NB Ramps & Curtner Avenue	20.1	C	27.9	D+
12	SR-87 SB Ramps & Curtner Avenue	15.8	C+	11.3	B
13	Senter Road & Umbarger Road	8.0	B	7.5	B
14	Monterey Highway & Umbarger Road	13.9	B-	18.1	C
15	Monterey Highway & Lewis Road	11.2	B	14.9	B-
16	Monterey Highway & Capitol Expressway North Ramp	11.6	B	12.4	B
17	Monterey Highway & Capitol Expressway South Ramp	25.2	D+	9.9	B
18	Senter Road & Capitol Expressway	32.1	D	49.6	E
19	McLaughlin Avenue & Capitol Expressway	29.6	D	38.0	D-
20	Proposed Project Access Intersection on Tully Road	9.2	B	14.4	B-

[1] Average Delay – per vehicle, in seconds.
[2] LOS – Level of Service.

According to the City of San José intersection LOS standards, all study intersections would operate at acceptable levels of service for the project conditions, with the exception of the Senter Road/Capitol Expressway intersection. Similar to the existing and background scenarios, the Senter Road/Capitol Expressway would continue to operate at LOS E during the PM peak hour. The project would not cause a significant increase in critical volume and critical delay at this intersection. The project would also not cause the LOS of any other study intersection to deteriorate below acceptable levels.

- **The proposed project would not generate substantial additional peak hour traffic in the area or result in significant impacts to intersection operations. (Less than Significant Impact)**

Transit Service

Based on observations of the capacity and occupancy rates of the public transit routes servicing the project area, it was concluded that transit trips to be generated by the proposed project would not significantly impact the public transit service or significantly increase load factors on transit vehicles. With an estimated transit mode share of one to two percent, the proposed project would generate approximately four to seven peak-hour transit trips each weekday.

- **The proposed project would not result in significant impacts to transit service. (Less than Significant Impact)**

Bicycles and Pedestrian Facilities

The study intersections are currently signalized and equipped with pedestrian crossing signals and crosswalks. The expected moderate increase in vehicular traffic volumes at these intersections would not significantly impact the pedestrian movements. An additional crosswalk would be provided at the new signalized intersection on Tully Road at Public Storage Driveway. Also the pedestrian movements along the roadway network adjacent to the project site would continue to be accommodated by provided sidewalks (existing and new sidewalks along the project frontage), and therefore no adverse impacts are anticipated.

- **The proposed project would not result in significant impacts to bicycle and pedestrian facilities. (Less than Significant Impact)**

Parking

Based upon the City of San José' parking space ratios for the proposed residential uses, the project would be required to provide at least 829 parking spaces on-site. The project proposes to provide a total of 848 parking spaces, including approximately 138 surface parking spaces and 710 garage parking spaces. Therefore, the project would not result in significant parking impacts off-site.

- **The proposed project would provide sufficient parking to accommodate the proposed development. (Less than Significant Impact)**

Site Access and Internal Circulation

Project access and circulation were analyzed for the proposed Franklin McKinley residential project. The site would be accessed from Tully Road at the proposed signalized intersection of Tully Road/ Public Storage Driveway.

Based on a review of the proposed project site plan, the internal circulation is anticipated to operate in an acceptable manner. The parking layout, drive aisles, pavement widths, and access points would safely accommodate automobiles and small delivery trucks.

- **The proposed project would not result in significant access and circulation impacts. (Less than Significant Impact)**

Freeway Segment Impacts

Based upon the operational analysis procedures from the Transportation Research Board's *1994 Highway Capacity Manual* (as required by the Santa Clara County Congestion Management Program), the project would not result in significant impacts to the LOS at any of the analyzed freeway segments.

- **The proposed project would not result in significant impacts to freeway segments. (Less than Significant Impact)**

3. Mitigation and Avoidance

- Because the project would not result in any significant traffic and circulation impacts, no mitigation is required.

Transportation Demand Management Measures Proposed by the Project

The following measures are included as part of the proposed project in order to provide convenient transit access to residents of the project and to reduce traffic trips to and from the site:

- The project proposes to participate in the Santa Clara Valley Transportation Authority's (VTA's) Eco Pass Program.

- The project will offer participation in an existing Car-Share program to all future residents of the project site. Notification and information about available City Car-Share programs will be provided in the rental offices of the senior housing and apartment buildings on the site.

- The project applicant, in combination with the adjacent Valley Health Center project, and the City of San José will work with VTA to ensure that bus stops and duckouts are provided at appropriate location(s). The specific locations and details of bus stops and duckouts will be determined and designed during the PD Permit stage. All bus stops and duckouts will be designed and constructed in conformance with VTA standards and Americans with Disabilities Act (ADA) requirements.

- The project will provide an easily accessible VTA paratransit services pick-up and drop-off location, which will be located near the senior housing building and will include a covered seating area for passengers. This paratransit stop will be designed and constructed in conformance with VTA standards and Americans with Disabilities Act (ADA) requirements.

***Conclusion*: The proposed project would not result in substantial additional peak hour traffic in the area or result in significant impacts to the transportation system. (Less than Significant Impact)**

I. AIR QUALITY

1. Existing Setting

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain and for photochemical pollutants, sunshine.

The Bay Area typically has frequent inversions that restrict vertical dilution and terrain that restricts horizontal dilution. These factors give the Bay Area a relatively high atmospheric potential for pollution.

The Bay Area Air Quality Management District (BAAQMD) monitors air quality at several locations within the San Francisco Bay Air Basin. The monitoring site closest to the project site is located in downtown San José, on Fourth Street. Exceedances of State and Federal standards at the Fourth Street monitoring site during 1993-1996 and 1998-1999 periods were due to ozone and PM_{10} levels above the state standard. Violations of the carbon monoxide standards were recorded prior to 1992.

Of the three pollutants known at times to exceed the state and federal standards in the project area, two are regional pollutants. Both ozone and PM_{10} are considered regional pollutants in that concentrations are not determined by proximity to individual sources, but show a relative uniformity over a region. The third pollutant, carbon monoxide, is considered a local pollutant because elevated concentrations are usually only found near the source.

The Federal Clean Air Act and the California Clean Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where the federal or state ambient air quality standard are not met as "nonattainment areas." Because of the differences between the national and data standards, the designation of nonattainment areas is different under the federal and state legislation. Under the California Clean Air Act, Santa Clara County is classified as a nonattainment area for ozone and PM_{10}. The county is either in attainment or unclassified for other pollutants.

2. Air Quality Impacts

For the purposes of this project, an air quality impact is considered significant if the project would:

- violate an ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations; or
- result in substantial emissions or deterioration of ambient air quality; [The significance thresholds recommended by the BAAQMD represent "substantial" emissions. These thresholds are 80 pounds per day for all regional air quality pollutants except carbon monoxide. The significance threshold for carbon monoxide is 550 pounds per day, although exceedance of this threshold only triggers the need for estimates of carbon monoxide "hot spot" concentrations. A substantial contribution to an existing carbon monoxide exceedance would be defined as greater than 0.1 parts per million, based on the accuracy of the monitoring instruments]; or
- create objectionable odors; or

- alter air movement, moisture, or temperature, or result in any change in climate either locally or regionally.

Regional Air Quality Impacts

The project proposes residential units within an urban area. The Bay Area Air Quality Management District (BAAQMD) has established thresholds for what would be considered a significant addition to existing air pollution. A project that generates more than 80 pounds per day of reactive organic gases (ROG), nitrogen oxides (NO_x), or particulates (PM_{10}) is considered to have a potentially significant impact on regional air quality, according to the BAAQMD CEQA guidelines.[11]

As described previously, the project proposes the development of a total of 561 residential units on the site, including 201 senior citizen units, 300 multi-family, public agency employee rental units, and 60 townhouse units. The project is anticipated to generate approximately 3,424 new vehicle trips per day (refer to discussion in *Section II. H. Transportation and Circulation* of this EIR).

The regional emissions associated with project vehicle use have been calculated using the URBEMIS7G emission model. The methodology used in estimating vehicular emissions is described in Appendix F of this report. The increase in daily emissions associated with the project is identified in Table 10 for reactive organic gases and oxides of nitrogen (two precursors of ozone) and PM_{10}. The proposed project emissions shown in Table 10 would not exceed these thresholds of significance, therefore, the proposed project would not result in significant impacts upon regional air quality.

- **The project would result in a less than significant increase in regional pollutants. (Less Than Significant Impact)**

TABLE 10
PROJECT REGIONAL EMISSIONS (IN POUNDS PER DAY)

	Reactive Organic Gases	Nitrogen Oxides	PM_{10}
BAAQMD Significance Threshold	80.0	80.0	80.0
Project Emissions	51.1	75.0	28.4

Local Air Quality Impacts

On the local scale, the project would increase traffic on the local street network, changing carbon monoxide levels along roadways used by project traffic. Carbon monoxide concentrations under worst-case meteorological conditions have been predicted for several signalized intersections affected by the project. PM peak traffic volumes were applied to the CALINE-4 dispersion model to predict maximum 1- and 8-hour concentrations near these

[11] *BAAQMD CEQA Guidelines*, December 1999.

intersections. Appendix F of this report provides a description of the CALINE-4 model and a discussion of the methodology and assumptions used in the analysis. The model results were used to predict the maximum 1-and 8-hour concentrations, corresponding to the 1- and 8-hour averaging times specified in the state and federal ambient air quality standards for carbon monoxide.

Table 11 shows the results of the CALINE-4 analysis for the peak 1-hour and 8-hour traffic periods in parts per million (PPM). The 1-hour values are to be compared to the federal 1-hour standard of 35 PPM and the state standard of 20 PPM. The 8-hour values in Table 11 are to be compared to the state and federal standard of nine (9) PPM.

TABLE 11
WORST CASE CARBON MONOXIDE CONCENTRATIONS NEAR SELECTED INTERSECTIONS (IN PPM)

Intersection	**Existing (2002)**		**Existing + Background (2002)**		**Existing + Background+ Project (2002)**	
	1-Hr	**8-Hr**	**1-Hr**	**8-Hr**	**1-Hr**	**8-Hr**
Monterey Road/ Alma Avenue	10.6	7.9	10.7	7.9	10.7	7.9
Monterey Road/ Curtner Avenue	10.6	7.9	10.8	8.0	10.9	8.0
Tenth Street/ Tully Road	10.0	7.4	10.1	7.5	10.2	7.6
Senter Street/ Tully Road	10.7	7.9	10.8	8.0	10.8	8.0
Tully Road/ Project Entrance	C	---	C	C	10.1	7.5
Most Stringent Standard	**20.0**	**9.0**	**20.0**	**9.0**	**20.0**	**9.0**

Table 11 shows that existing predicted concentrations near the intersections meet the 1-hour and 8-hour standards. Concentrations with background traffic increases would be up to 0.2 PPM above existing levels. Traffic from the proposed project would further increase concentrations by up to 0.1 PPM, however, concentrations would remain below the most stringent state or federal standards. Since project-generated traffic would not cause any new violations of the 8-hour standards for carbon monoxide, nor contribute substantially to an existing or projected violation, project impacts on local carbon monoxide concentrations are considered to be less than significant.

- **The project would not cause any new violations of the federal or state 8-hour standards for carbon monoxide nor contribute substantially to an existing or projected violation. (Less Than Significant Impact)**

Construction-Related Impacts

Construction activities such as demolition, excavation, construction vehicle traffic and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that would affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-waterbase paints, thinners, some insulating materials and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when and if underlying soils are exposed to the atmosphere.

The effects of construction activities would be increased dustfall and locally elevated levels of PM_{10} downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties, including sensitive receptors in the site area, such as the residential neighborhood to the south and the Franklin McKinley School.

- **Construction of the project could result in significant temporary impacts upon nearby sensitive receptors, including the existing residential neighborhood and the Franklin McKinley School. (Significant Temporary Impact)**

3. Mitigation and Avoidance

Construction of the proposed project could result in significant short-term air quality impacts associated with dust generation. The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The following construction practices would be implemented by the project during all phases of construction on the project site:

- Use dust-proof chutes for loading construction debris onto trucks.
- Use water to control dust generation during demolition of structures and break-up of pavement.
- Cover all trucks hauling demolition debris from the site.
- Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Sweep daily (with water sweepers) all paved access road, parking areas and staging areas at construction sites.

- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).

- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

- Replant vegetation in disturbed areas as quickly as possible.

***Conclusion*: The proposed project would not result in significant long-term local or regional air quality impacts. Short-term air quality impacts associated with construction would be reduced to less than significant levels with the inclusion of proposed mitigation measures. (Less than Significant Impact with Mitigation)**

J. NOISE

The following discussion is based upon a noise assessment completed by *Illingworth & Rodkin, Inc.* in July 2002. The complete report is provided in Appendix G of this EIR.

1. Existing Setting

Background Information

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and fluctuations in the noise level during exposure. Noise is measured on a "decibel" scale, which serves as an index of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the "A-weighted" decibel or dBA. Further, sound is averaged over time and penalties are added to the average for noise, which is generated during times that may be more disturbing to sensitive uses such as early morning, or late evening.

Since excessive noise levels can adversely affect human activities (such as conversation and sleeping) and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. The noise guidelines are almost always expressed using one of several noise averaging methods such as **L_{eq}**, **L_{dn}**, or **CNEL**.[12] Using one of these descriptors is a way for a location's overall noise exposure to be measured, realizing of course that there are specific moments when noise levels are higher (e.g., when a jet is taking off from Norman Y. Mineta San José International Airport or a leafblower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on Tully Road or in the middle of the night). For this report, the L_{dn} will be used, as it is consistent with the guidelines of the City of San José and the State of California.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus one dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends upon the distance the receptor is from the noise source. Close to the noise source, the models are accurate to within about plus or minus 1-2 dBA.

Applicable Noise Standards and Policies

The City of San José's General Plan contains policies and goals which pertain to desired noise levels for various land uses located within the City. These policies and goals are expressed in terms of the L_{dn}. The General Plan cites long-term and short-term exterior L_{dn} goals for residential uses of 55 dBA and 60 dBA, respectively. The indoor L_{dn} goal is set at 45 dBA. Outdoor uses on sites where the L_{dn} is above 60 dBA should be limited to acoustically protected areas.

[12] **L_{eq}** stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time such as the noisiest hour. **L_{dn}** stands for Day-Night Level and is a 24-hour average of noise levels, with 10 dB penalties applied to noise occurring between 10:00 PM and 7:00 AM. **CNEL** stands for Community Noise Equivalent Level; it is similar to the L_{dn} except that there is an additional five (5) dB penalty applied to noise which occurs between 7:00 PM and 10:00 PM. As a general rule of thumb where traffic noise predominates, the CNEL and L_{dn} are typically within two (2) dBA of the peak-hour L_{eq}.

The General Plan also distinguishes between noise from transportation sources and noise from non-transportation (i.e., stationary) sources. The short-term exterior noise goal for transportation sources is 60 dBA L_{dn}. For stationary sources, the exterior noise goal is 55 dBA L_{dn} at the property line between sensitive land uses (e.g., residences, schools, libraries, hospitals, etc.) and non-sensitive land uses (e.g., industrial, commercial, etc.).

The above noise goals notwithstanding, the San José General Plan specifically recognizes that these goals may not be achieved within the timeframe of the General Plan at certain areas of the City which are affected by noise from aircraft, railroads, and roadway traffic. These areas are: 1) the Downtown Core Area, 2) the area around Norman Y. Mineta San José International Airport (SJIA), and 3) areas adjacent to major roadways. Although the project site is not located in the Downtown Core Area or the SJIA noise impact zone (defined by the 65 dBA CNEL contour), it is located adjacent to Tully Road, a major roadway.

The State of California in Title 24, Part 2 of the Administrative Code, required that new multi-family housing in California be constructed such that the interior L_{dn} does not exceed 45 dB. Where exterior noise levels exceed a DNL of 60 dB, a report must be submitted with the building plans describing the noise control measures, which have been incorporated in the design to meet the noise limit.

Existing Noise Conditions

In order to quantify the existing noise levels in the vicinity of the project site, noise measurements were made at the three locations shown on Figure 16. A 24-hour measurement was conducted at a distance of 50 feet from the centerline of the near lane of Tully Road, and short-term measurements were conducted along the easterly and southerly boundaries of the site. The noise environment at measurement location #1 is dominated by traffic noise emanating from Tully Road. The existing L_{dn} was measured to be 73 dB at this location. The second measurement point was located just east of the project site, at a distance of about 604 feet from Tully Road. The L_{dn} at this location was measured to be 55 dB. The third measurement point was located south of the project site, at a distance of about 980 feet from Tully Road. The L_{dn} at this location was measured to be 52 dB. The noise environment at these locations is also dominated by traffic on Tully Road, but the noise levels are much lower because of the increased distance from Tully Road.

During the noise measurements, no noise was created by activity at the fire station, the elementary school, or the fairgrounds. It would be anticipated that noise is occasionally created at all three of these facilities. The fairgrounds are used throughout the year, but the vast majority of the activities take place indoors. Outdoor activities include the fair, which runs for three days in August, car shows and car sales. With the exception of the fair, these outdoor activities generate very little, if any noise off-site.

The fire station would be a source of occasional noise levels. Typically the noise generated at a fire station includes testing of equipment for 20 to 30 minutes in the morning and the sound of trucks entering and exiting the site at any time.

Noise associated with the elementary school would be associated primarily with children playing in the schoolyard. During recess activities, noise levels would be expected to reach an average noise level of 60-65 dBA adjacent to the playgrounds.

The site is also exposed to aircraft overflight noise. However, according to the latest contours published by the Santa Clara Airport Land Use Commission, the site is and will continue to be exposed to a L_{dn} of less than 60 dB due to aircraft overflights.

2. Noise Impacts

For the purposes of this project, a noise impact is considered significant if the project would result in:

- exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels; or
- a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or
- a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; or
- residential development located within an airport land use plan; or
- exposure of people residing or working in the project area to excessive noise levels.

Impacts to the Project

Ambient Noise Levels

Exterior Noise Levels

Noise levels on the site exceed an L_{dn} of 60 dB within about 600 feet of Tully Road. The project proposes to locate the high density senior units adjacent to Tully Road, the apartment units in the central portion of the site, and the townhouses along the southern and eastern boundaries. The senior housing building, closest to Tully Road, would include an outdoor balcony for each apartment unit. Some of these balconies would face Tully Road, and therefore would be exposed to existing noise levels of approximately 73 dB L_{dn}. These balconies will not be the only usable open space. This building is proposed to include a central courtyard, which would be shielded from Tully Road noise and would meet the General Plan exterior noise level standards, in order to provide outdoor use areas not impacted by existing noise. The other outdoor use areas throughout the site would meet the L_{dn} noise level standards outlined in the General Plan.

Interior Noise Levels

Noise levels inside the units nearest to Tully Road could exceed a L_{dn} of 45 dB if only standard residential grade glazing were used. These levels would not be consistent with the City guidelines or state standards and would constitute a significant impact.

- **Exterior and interior noise levels on portions of the site would exceed the City's satisfactory noise levels for residential development. (Significant Impact)**

Impacts from the Project

While CEQA does not specifically define what noise level increase is considered significant, generally in high noise environments, a project is considered to have a significant impact if the project would substantially and permanently increase existing noise levels in excess of established City guidelines. Since the noise environment in the vicinity of the project site ranges from 52 to 73 L_{dn}, portions of the site are already in excess of City guidelines, and a substantial, permanent increase in noise levels from the project would therefore be considered a significant impact.

Project Traffic Noise

As described in Section H. *Transportation and Circulation*, the proposed residential project would generate approximately 3,424 daily traffic trips. For traffic noise to increase noticeably, existing traffic volumes must double. While the proposed project would increase traffic volumes and congestion on the overall roadway network and in the site vicinity, existing traffic volumes would not double on any roadway in the vicinity as a result of the project traffic. Therefore, the traffic generated by the project would not measurably increase noise levels along the streets serving the project. Calculations indicate that the project would result in a noise level increase of less than one (1) dB on Tully Road, which would not be a noticeable increase. For this reason, this increase is not considered significant.

- **The project would not generate significant off-site noise impacts after project completion. (Less than Significant Impact)**

Short-Term Construction Impacts

The proposed project would result in a short-term increase in noise levels in the project area during construction activities. Construction equipment typically generates noise levels in the range of 75-90 dBA at a 50-foot distance from the source, and has the potential for disturbing surrounding land uses, including the adjacent residences and the Franklin McKinley School, when equipment is operating in their vicinity.

Each phase of construction has its own mix of equipment and consequently, its own noise characteristics. Generally, site preparation requires the use of heavy equipment such as bulldozers, scrapers, and diesel trucks. During this time, grading and paving equipment, which would operate as close as 50 feet from the nearest homes, would generate the highest noise levels. Maximum noise levels could reach 85 dBA at these homes for short periods of time, when construction equipment is this close. During the majority of construction, however, major equipment would be several hundred feet away from the homes, and the noise levels would not be significantly above those generated by traffic on Tully Road. Ensuing building construction phases are quieter, and after completion of the project, the area's sound level would reduce essentially to the traffic and on-site living activity noise levels.

Given the nature and proximity of the surrounding land uses, and the length of the construction period, project construction noise would significantly impact surrounding land uses.

- **Project construction activities would result in significant short-term noise impacts upon the surrounding neighborhood (Significant Impact).**

3. Mitigation and Avoidance

Mitigation Measures Included in the Project

Interior Noise Levels

- The units closest to Tully Road would be evaluated to determine what type of glazing would be necessary to achieve an interior sound level of 45 dB or less. It is likely that windows with an STC rating of up to 36 would be required, depending upon the size of windows in these units.

- These units would also be provided with mechanical ventilation to allow the windows to remain closed to achieve the interior standard.

- Similarly, the townhouses and the senior units adjacent to the fire station site would also be equipped with mechanical ventilation to allow the windows to remain closed. This measure would reduce the possibility of noise impacts during emergency response by the fire station crews.

Short-Term Construction Noise

The project includes the following mitigation measures to minimize the potential noise disturbance to adjacent land uses:

- Limit construction to the hours of 7:00 AM to 7:00 PM on Monday through Friday, with no noise-generating construction activities on Saturdays, Sundays or holidays.

- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.

- Utilize "quiet" models of air compressors and other stationary noise sources where technology exists.

- Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a project construction area.

- Prohibit unnecessary idling of internal combustion engines.

- Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. The name and telephone number of the disturbance coordinator shall be conspicuously posted at the construction site.

Exterior Noise Levels

- The senior housing building, closest to Tully Road, would be constructed with a central courtyard, which would be shielded from Tully Road noise, in order to provide additional outdoor use areas not impacted by existing noise. While this measure would provide additional usable outdoor space, this would not reduce the significant noise impacts at the balconies along Tully Road.

***Conclusion*: The proposed project would not generate significant long-term noise impacts. Implementation of the mitigation measures identified above would minimize the interior noise level impacts to the proposed housing units as well as the short-term noise impacts upon the surrounding neighborhood during construction. (Less than Significant Impact with Mitigation) The proposed balconies along Tully Road in the senior housing building would be subject to significant, unmitigated exterior noise level impacts. (Significant Unmitigated Impact)**

Mitigation Measures Not Proposed by the Project

Exterior Noise Levels

The following mitigation measure could be required to reduce the project's significant exterior noise impacts at the balconies facing Tully Road. This mitigation is not proposed because residents generally find this noise mitigation undesirable for private balcony areas.

- The balconies facing Tully Road could be enclosed with solid structures to reduce noise impacts from Tully Road. A solid three-foot wall could enclose the balcony instead of a fence, and an acrylic acoustic barrier could be placed on top of the wall to shield the balconies from noise from Tully Road.

With incorporation of the above mitigation measure, the noise impacts at the proposed balconies along Tully Road in the senior housing building would be reduced to a less than significant level. (Less Than Significant Impact with Mitigation Not Proposed)

K. VISUAL AND AESTHETICS

1. Existing Setting

Visual and Aesthetic Character of the Project Site

The project site is approximately 11.4 acres in size and mainly consists of a vacant dirt lot and field areas. The northern portion of the site is mostly dirt and gravel, and there are five (5) existing baseball fields on the southern majority of the site. There are trees present, along with some vegetative ground cover, around the perimeter of the site.

Surrounding Visual Context

The area surrounding the project site is generally flat. The commercial buildings along Tully Road are generally one- to two-stories in height. The City of San José Fire Station (Station #26), to the north, consists of a one-story firehouse building, surface parking, and an outdoor training area. The existing single family homes to the east and southeast are generally one- and two-story homes. The Franklin McKinley Elementary School contains several one-story school buildings and portables. The area bordering the project site to the site to the west, (the future Franklin McKinley Valley Health Center) is a vacant dirt lot. This area is also currently used for Fairgrounds equipment storage. Refer to Figure 3 for the locations of these land uses.

Views of the project site are generally limited to the immediate foreground, Tully Road, and the surrounding land uses. This limited visibility is due to the flatness of the project site and the presence of surrounding development. The narrow street frontage further restricts its visibility. The primary locations from which the project site can be viewed are along Tully Road and from the Fairgrounds and adjacent school. The project site is only partially visible from the single-family residential neighborhood to the east and south, due to the row of trees along the property line and the six foot wall separating the site from the neighborhood.

The photographs on the following page demonstrate some of the visual characteristics of the site and the surrounding area.

2. Visual and Aesthetic Impacts

For the purposes of this project, a visual impact is considered significant if the project would:

- have a substantial adverse effect on a scenic vista; or
- substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- introduce new development which would substantially degrade the existing integrity, visual character or quality of the site and its surroundings; or
- create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Aesthetic values are largely subjective. Individual tastes may vary significantly, particularly with regard to architectural style. The assessment of a project's visual impact is dependent upon an evaluation of the character and design of the proposed development, and the degree to which the project is visually compatible with the surrounding community. The primary criteria that are considered in this assessment include: 1) the spatial relationship of the

proposed structures within the site and to neighboring land uses; 2) the mass, scale, and height of the proposed structures and their visibility from the surrounding area; 3) the degree to which the project would contrast with the surrounding development in design and materials; and 4) whether the project is likely to result in visual impacts including glare, shadows, night-time lighting requirements, or provide elevated views to nearby residences.

Alteration of Visual Character and Visual Impacts

The project proposes the construction of 561 residential units on the site. Development of the proposed residential buildings on the site would change the visual character from vacant to urban residential in nature, with two-, three- and four-story residential buildings, and associated landscaping and paved areas. However, the site is not part of a scenic view corridor. Therefore, the proposed project would not have any impact on scenic vistas. The project would retain many of the trees along the eastern and northern boundaries, to maintain the existing visual character as much as possible.

Building heights would step up from the boundaries nearest the residential neighborhood, towards the center of the site. The project proposes to locate the townhouses, with the lowest density and building heights, along the eastern and southern borders of the site, adjacent to the existing residential neighborhood. The multi-family units, with a high density and three- to four-story buildings over podium parking, are proposed in the central portion of the site. The proposed senior units, which have the highest density and a three-story building over podium parking, are proposed along Tully Road.

The townhouses and apartment units would provide a transition between the existing single-family neighborhood and the commercial uses along Tully Road. The location of taller buildings away from the existing residential neighborhood would avoid significant shade and shadow impacts on the existing residential neighborhood, and would avoid the potential for elevated views into these homes. Because the project design proposes a transition from the existing single-family neighborhood to the south and east and the commercial uses along Tully Road, the proposed development would not be visually incompatible with the surrounding development, and this impact would not constitute a significant adverse impact.

- **The project would not result in significant impacts to scenic view corridors or vistas. The project would not be visually incompatible with the surrounding neighborhood. (Less Than Significant Impact)**

Light and Glare Impacts

The buildings would introduce glass and other reflective building materials and lighting to a vacant dirt lot and field area that currently has no reflective surfaces. The project does propose outdoor security night lighting on the site, along walkways and entrance areas. Low-pressure sodium lighting would be used, and would be directed away from the existing residential areas to the south and east of the site. This outside lighting would generally increase the level of illumination in the area, but would not cause significant glare or light spillover onto adjacent properties. Businesses on the north side of Tully Road are set back from the road and would not be impacted by reflective materials or lighting on the project site. Therefore, the addition of this lighting would not result in significant new light and glare impacts.

- **The proposed project would not result in significant light or glare impacts. (Less Than Significant Impact)**

3. Mitigation and Avoidance

- No mitigation is required.

***Conclusion*: The proposed project would not significantly degrade the existing visual character or quality of the site and its surroundings. Therefore, the project would have a less than significant adverse aesthetic impact. (Less Than Significant Impact)**

L. ENERGY

This section was prepared pursuant to CEQA Guidelines Section 15126.4(C), which requires that EIRs include a discussion of the appropriate mitigation for reducing energy impacts.

1. Energy Impacts

Development of the project would result in the consumption of energy in three forms: 1) the fuel energy consumed by construction vehicles; 2) bound energy in construction materials such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as milled lumber and glass; and 3) operational use of energy by future site occupants for transportation, utilities, and industrial processes.

With respect to project design and use of construction materials, extensive information is available to builders on the use of recycled-content building materials, to minimize the reliance on products made from virgin materials, which typically require more energy to manufacture and process. All of this information would be available during the specific building design and approval. The project would be subject to the provisions of Title 24 of the California Administrative Code, which sets energy efficient design standards for non-residential buildings.

Development of the project would have an indirect influence on the energy consumed in automobile travel. Locating the proposed development on an infill site within the central portion of San José, in proximity to transit lines and other complementary land uses, would limit this increase in travel.

- **Although development of the project would contribute incrementally to the use of energy for development and ongoing maintenance, this impact is considered less than significant. (Less Than Significant Impact)**

2. Mitigation and Avoidance

- No mitigation is required.

Conclusion: **The project would result in a less than significant incremental contribution to the use of energy for development and ongoing maintenance. (Less Than Significant Impact)**

M. UTILTIES AND SERVICE SYSTEMS

1. Existing Setting

Sanitary Sewer/Wastewater Treatment

Wastewater treatment service in the project area is provided by the City of San José through the San José/Santa Clara Water Pollution Control Plant (WPCP). The WPCP is located in Alviso and is one of the largest advanced wastewater treatment facilities in California, serving over 1,500,000 people in San José, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga, and Monte Sereno. The WPCP provides primary, secondary, and tertiary treatment of wastewater.[13]

The City's level of service goal for sewage treatment is to remain within the capacity of the WPCP. The existing capacity of the WPCP is 167 million gallons per day (mgd) during dry weather flow. There is no anticipated increase in capacity planned for the next 10 to 15 years. The WPCP currently processes an estimated 134 mgd of effluent (dry weather peak). The average dry weather influent flow (or peak week flow) is determined as a highest average flow during any five-weekday period between the months of June through October. For 2001, peak week flow was 123.9 mgd during the week of June 4-8.

The WPCP is currently discharging above a 120 million gallon per day (dry weather) total flow trigger imposed by the State Water Resources Board and the Regional Water Quality Control Board (RWQCB). The City of San José is allotted 81.49 percent of the WPCP capacity and Santa Clara is allotted 18.5 percent of the capacity. The flow trigger for the City of San José is 98 million gallons per day. The flow trigger was implemented due to concerns over the effects of additional freshwater discharges from the WPCP on saltwater marsh habitat, and pollutant loading to the Bay from the WPCP. In response to these issues, the City of San José has prepared the South Bay Action Plan, to prevent degradation of the salt water marshland habitat and study the discharge of metals from the WPCP in excess of RWQCB standards. The South Bay Action Plan describes in some detail the conservation, reuse and diversion activities designed to reduce the effluent flow from the WPCP to below 120 mgd.

In addition, a Clean Bay Strategy has been developed by the City of San José and the agencies tributary to the WPCP, to address water conservation and the pollutant loading to the Bay. The Clean Bay Strategy has identified numerous programs and projects in the areas of increased education and awareness, pollutant source detection, and greater regulatory requirements to reduce pollutant levels. The imposition of additional regulatory requirements as a result of the flow trigger has not yet occurred due to the City's good faith efforts in implementation of the Clean Bay Strategy. However, the RWQCB may require additional control measures to be implemented at any time it deems necessary.

Under existing conditions, the vacant site does not generate wastewater. There are existing six-inch and 12-inch sanitary sewer lines along Tully Road.

[13] City of San José website (www.ci.sj.ca.us), 2002.

Water Service

The San José Water Company provides water to the project site area. Water main supply lines are located in most of the streets surrounding the project area, including a 16-inch line along Tully Road. Existing water pressure in this area is approximately 76 to 91 pounds per square inch (PSI).[14]

Solid Waste

Multi-family residential solid waste recycling collection in San José is provided by the Green Team, and waste is disposed at Newby Island Sanitary Landfill. According to the Source Reduction and Recycling Element prepared for the City of San José and the County-wide Integrated Waste Management Plan, there is sufficient landfill capacity for Santa Clara County needs for the next 23 years.

Storm Drainage

The site is currently covered with permeable surfaces. The site area is currently served by an existing 36-inch, County constructed storm drain system in Tully Road. Stormwater runoff from the site (and the entire Fairgrounds property) drains to the storm drain, which empties into Coyote Creek, located northeast of the site. Coyote Creek is an alluvial stream which drains from mountains in the Diablo Range southeast of the project site and flows generally north toward the San Francisco Bay.

Electric and Natural Gas Service

Electric and natural gas service is provided to the site are by the Pacific Gas & Electric Company (PG&E). The project site is located within the urban area and is adjacent to existing infrastructure.

Telephone Service

Local telephone service is provided to the project site area by Pacific Bell. There are above-ground telephone lines along Tully Road, adjacent to the site.

2. Utilities and Services Impacts

For the purposes of this project, a utilities impact is considered significant if the project would:

- exceed published national, state, or local standards relating to solid waste or litter control; or
- directly affect a major utility line or facility; or
- result in a substantial increase in the demand for public services; or
- result in a substantial increase in the capacity of a utility line or public service to such an extent as to create a safety or public health hazard; or
- use fuel, water, or energy in a wasteful manner.

[14] Vicki Larson, San José Water Company, personal and written communications, June, 2002.

Sanitary Sewer/Wastewater Treatment Impacts

The proposed project would generate approximately 134,640 gallons per day of sewage, based upon the City's sewage generation rates.[15] The project's wastewater flow would be entirely domestic sewage and would not include any process water or water contaminants. Wastewater from the proposed project would result in a 0.001 percent increase in the City's existing peak wastewater flow. This increased flow can be accommodated at the WPCP. However, while the proposed wastewater flow could be accommodated at the WPCP, the additional discharge represents an approximate 0.01 percent increase over the current 14 mgd excess discharge over the 120 mgd flow trigger imposed by the state Water Resources Board and the RWQCB. While not a significant impact, the project's wastewater flow would adversely affect the City's efforts to comply with the flow trigger.

The project would construct new on-site sanitary lines and connections, as needed, to serve the project. The project proposes to construct an eight-inch connection to the existing 12-inch sanitary sewer lines along Tully Road. The project proposes to build all of the on-site system and the necessary improvements in the public streets to serve the project.

- **The project would not result in significant impacts upon sanitary sewer service capacity and would not create the need for major new supply infrastructure. (Less Than Significant Impact)**

Water Service Impacts

The proposed residential units would increase the demand upon water supply and supporting public facilities in the region. The proposed project would use approximately 5,297 gallons per day (gpd) of water, based upon the City's water use generation rates.[16] The project site would be served by the San José Water Company, and would be supplied through a combination of underground wells, Santa Clara Valley Water District water reserves, and water obtained through state programs. According to the San José Water Company, there is currently adequate water supply to meet the needs of the project during normal weather conditions, and there are no foreseen problems serving the project site.[17] During extended periods of drought, the project site would not be impacted any differently than other areas.

The San José Water Company has completed an analysis of the ability to provide the required fire flow water supply to the site, and has determined that adequate fire flow capacity can be provided to meet the City of San José's requirements. According to the San José Water Company, if the required fire flows can be provided on-site, then the necessary daily water supply can physically be provided to the site as well.[18]

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[15] Generation rate based on that provided by Department of Public Works, City of San José, for the *Housing Opportunity Study, General Plan Amendments Phase II Draft EIR*, Volume I, SCH No. 2000102108, February, 2002. [(#DU) * (240/gallons/dwelling unit/day)]

[16] Based on City of San José Water Usage Projections, November 12, 1991. Estimated residential water usage = 2,000 + [(DU/AC - 8) x 80]

[17] Jim Bariteau, Business Development Representative, and Michael Asahina, Planning Supervisor, San José Water Company, telephone communications, August, 2002.

[18] Jim Bariteau, Business Development Representative, San José Water Company, telephone communications, August, 2002

The project would not adversely affect the level of service provided to existing San José Water Company customers. In conformance with Chapters 15.10 and 15.11 of the San José Municipal Code, the project would be designed to utilize water efficiently and to accept reclaimed water when it becomes available to the project area. Recycled water would be used for irrigation and would be supplied by South Bay Recycled Water of San José.

- **The project would not result in significant impacts upon water service and would not create the need for major new supply infrastructure. (Less Than Significant Impact)**

Storm Drainage Impacts

Upon completion of project construction, the majority of the site would be covered with impermeable surfaces (i.e., buildings, streets and parking areas). Most of the stormwater falling on-site would flow into the storm drain system. The project would generate additional stormwater runoff, which would increase demand on the stormwater drainage system. The project proposes to connect to a 36-inch storm drain, which will be constructed by the adjacent Valley Health Clinic project in the common private access road (refer to Figures 4 and 5). This 36-inch pipe will connect to the existing 36-inch County storm drain system that extends to the east and eventually drains to Coyote Creek.

The proposed 36-inch storm drain line in the private access road (shared with the adjacent VHC project) will also be extended south as part of the proposed project, and will connect to the stormwater detention facility planned as part of the Fairgrounds Revitalization Project. This detention facility is being constructed by the County and will provide additional storage and retention capacity to offset the additional stormwater runoff that will be generated by the proposed project and the VHC project, in order to comply with the California Regional Water Quality Control Board's NPDES requirements (Provision C.3 of NPDES Permit Number CAS0299718). With the on-site connections to the existing storm drain system along Tully Road and the County's stormwater detention facility, the increased runoff from the site could be accommodated, and the project would not significantly impact the capacity of the storm drainage system in the project area.

- **The project would not result in significant impacts upon existing drainage systems and would not create the need for major new supply infrastructure. (Less Than Significant Impact)**

Solid Waste Impacts

Development of the proposed project would result in the generation of approximately 3,029 pounds of solid waste per day and 337 pounds of recycling per day, based upon the City's solid waste generation rates. Approximately half of the volume of waste generated would be diverted from Newby Island Sanitary Landfill to recycling, assuming the current diversion rates for residential waste. Given the available capacity at the Newby Island Sanitary Landfill, the project would not result in significant solid waste impacts.

- **The project would not result in significant impacts upon solid waste service and would not create the need for major new supply infrastructure. (Less Than Significant Impact)**

Electric and Natural Gas Service Impacts

Facilities for providing electric and natural gas services are built and maintained by the private utilities that provide these services under their franchise agreements with the State of California. New and expanded facilities are paid for from capital funds financed by fees paid by users. Construction of the proposed development would result in an increase in the demand for electric and natural gas service on the site. Given the urban location of the site, and the fact that electric and natural gas service is currently provided to the site area, the provision and expansion of service for the project would not present a significant impact. The utility providers monitor growth patterns and plans of the urban jurisdictions in Santa Clara County, including the City of San José. None of the utility companies anticipate difficulties in expanding infrastructure to serve development allowed by the City's General Plan.

- **The project would not result in significant impacts upon electric service and would not create the need for major new supply infrastructure which is not currently planned. (Less Than Significant Impact)**

Telephone Service Impacts

The project would increase the demand for telephone service on the site and would require the expansion of telephone lines. Since telephone service is currently provided to the site along Tully Road, the extension of these lines would not result in significant utilities impacts. All above ground utilities along Tully Road would be placed underground as a part of the proposed streetscape improvements. The project applicant would be required to work with Pacific Bell to underground the existing telephone lines along Tully Road.

- **The project would not result in significant impacts upon telephone service and would not create the need for major new supply infrastructure which is not currently planned. (Less Than Significant Impact)**

3. Mitigation and Avoidance

- No mitigation is required.

***Conclusion*: The proposed project would not require substantial new utility infrastructure which is not planned and would not exceed the capacity of existing utility systems. (Less than Significant Impact)**

III. AVAILABILITY OF PUBLIC SERVICES

Unlike public facilities and utilities, public services are provided to the community as a whole, usually from a central location or from a defined set of nodes. The resource bases for delivery of the services, including the physical service delivery mechanisms, are financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery agency can be a city, county, service or other special district. Usually, new development will create an incremental increase in the demand for these services; the amount of the demand will vary widely, depending on both the nature of the development (residential *vs.* industrial, for instance) and the type of service, as well as on the specific characteristics of the development (such as senior housing *vs.* family housing). The impact of a particular project on public services will, therefore, generally be a fiscal impact. By increasing the demand for a service, a project could potentially cause an eventual increase in the cost of providing the service. CEQA does not require an analysis of fiscal impacts.

CEQA analysis is required if the increased demand is of sufficient size to trigger the need for a new facility (such as a school or fire station), because the new facility would have a physical impact on the environment. CEQA requires that an EIR then identify and evaluate the physical impacts on the environment that such a facility would have. To reiterate, the impact that must be analyzed in an EIR is the impact that would result from constructing a new public facility (should one be required), not the fiscal impact of a development on the capacity of a public service system.

1. Existing Setting

Fire Service

Fire protection to the proposed development would be provided by the San José Fire Department, which serves a total area of 203 square miles. The San José Fire Department (SJFD) responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area. It is the San José Fire Department's goal to not exceed four minutes for the "first response" and six minutes for the "second response" times.

The closest fire station to the site is Station #26, located at 528 Tully Road adjacent to the site. Station #26 is equipped with one engine pump and has a crew of four firefighters.[19] In 2001 this station responded to 3,199 calls including 2,543 medical, 218 fire, and 438 other emergencies. The response time to the project site would be within the Fire Department's goal of four minutes.

Police Service

Police protection services would be provided to the proposed development by the City of San José Police Department (SJPD). Officers patrolling the project area are dispatched from police headquarters, located at 201 West Mission Street. The SJPD presently consists of approximately 1,411 sworn officers and 402 civilian personnel. The San José Police Mounted Unit (SJPMU) currently is located 0.5 miles to the east of the project site. The SJPMU has two sergeants, 14 officers and 22 horses working at this unit.

[19] Walter Fujczak, San José Fire Department, April 4, 2002.

The SJPD consists of 83 beats. Each beat is assigned to one of 16 Districts. The beats are identified with a number and the Districts are identified with a letter. The project site is located in District L, Beat 4 of the SJPD's service area. In 2000, District L had 4,920 crimes, consisting of 1,948 felonies and 2,972 misdemeanors. The most frequent felonies in the area included narcotics felonies, patrollable auto theft and aggravated assault. The most frequent misdemeanors included simple assault, narcotics misdemeanors and car clout.

Schools

Santa Clara County has 33 school districts and 345 schools. The project site is located in the Franklin McKinley School District, which includes elementary and middle schools. The Franklin McKinley School District serves approximately 10,800 students in grades K-8, with ten elementary schools and, two middle schools, and two K-8 schools.[20] The Franklin McKinley Elementary School is located adjacent to the project site, to the west. The school currently has 668 students in grades K-6.

The project is within the service area of the J.W. Fair Junior High School, located at 1702 McLaughlin. The J.W. Fair Junior High School is within the Franklin McKinley School District and is approximately 2.1 miles east of the site. J.W. Fair Junior High School operates on a year-round schedule and currently has an enrollment of approximately 900 seventh and eight grade students.[21]

The site is located in the East Side Union High School District (ESUHSD), which is located in the eastern portion of San José. The ESUHSD is comprised of 10 high schools, in addition to one continuation high school and three small satellite high schools. Based on figures provided by the ESUHSD, the ESUHSD has a current total enrollment of over 24,000 students.[22] The majority of high school students from the project site would attend Overfelt High School, which is located at 1901 Cunningham Avenue, Andrew Hill High School, which is located at 3200 Senter Road, or Yerba Buena High School which is located 1855 Lucrecia Avenue.[23]

Parks and Recreation

Local Facilities

The project site is located in Council District 7, which has one community garden, eight neighborhood parks and one regional park. The existing park facilities nearest to the project site are Stonegate Park, Coyote Park and Solari Park. The Franklin McKinley Elementary School adjoining the site to the southwest also contains existing playing fields. There are five existing Little League ball fields currently on the site. These fields will be relocated as part of an already approved project on the City of San José Tully Road Multi-Use Facility site, located approximately 0.5 miles east of the project site.

[20] Franklin McKinley School District website (www.fmsd.k12.ca.us), June 25, 2002.
[21] J.W. Fair Middle School website (www.fair.fmsk.k12.ca.us), June 25, 2002.
[22] East Side Union High School District website (www.esuhsd.org), June, 2002.
[23] Public Information Office, East Side Union High School District, personal communications, June 25, 2002.

Regional Facilities

There are 26 County parks within Santa Clara County and hundreds of neighborhood parks. The City of San José has 134 neighborhood parks, 16 community gardens, and eight regional parks. Amenities can include basketball courts, Bar-B-Que's, exercise (par) courses, picnic tables, playgrounds, restrooms, soccer fields, softball fields, swimming pools, and tennis courts. In addition to parks, recreational facilities include community centers, trails, and open space preserves.

Library Service

The San José Public Library System currently has one main library and 17 branch libraries. In addition, a new branch library has been approved, but not yet constructed on the Tully Road Multi-Use Facility site, approximately 0.5 miles east of the project site. The City of San José has set a goal of 10,000 square feet of library building space per 36,000 population, with 18.3 weekly service hours per 10,000 population. In addition, the City has established as a goal, an annual acquisition rate of one volume per six people for the first 500,000 population and one volume per eight people for over 500,000 population.

The current library system does not meet these established guidelines, due to past increases in the population of San José. To provide the level of service described in the City of San José General Plan, the current system would have to be expanded, including the planned creation of new branches. The San José Public Library Branch Master Plan (September 2000) created a plan for expanding the system in the future through renovation of current libraries and the creation of six new branches by 2020. As mentioned, above, a new branch library has recently been approved in the site area.

2. Public Services Effects

Fire Service

The existing vacant site creates little demand for fire and police services. The proposed project would generate additional demand for fire protection services. According to the City of San José Fire Department, the project would be required to provide fire flow of 4,500 gallons per minute at the site. The project would also be required to provide fire hydrants throughout the site, and a spacing of approximately 250 feet.[24] The project would be required to conform with the building and site design requirements of the City of San José Fire Department at the Planned Development Permit stage. The project would include construction of the appropriate water supply facilities to meet the requirements of the City of San José Fire Department and the San José Water Company. The San José Water Company has completed an analysis of the ability to provide the required fire flow water supply to the site, and has determined that adequate fire flow capacity can be provided to meet the City of San José's requirements.[25]

- **The project would comply with the design requirements of the City of San José Fire Department to minimize demand for fire services. No new fire protection facilities would need to be built if this project is implemented.**

[24] Memo from Luis DaSilva, Fire Protection Engineer, City of San José Fire Department, May 16, 2002.
[25] Jim Bariteau, Business Development Representative, San José Water Company, telephone communications, August, 2002

Police Service

While residential development increases demand for police services, the proposed project is not anticipated to require the construction of additional police service facilities. The project plans would be reviewed by the City Police Department, and the project would incorporate required design measures to reduce potential criminal activities.

- **The project would comply with the design requirements of the City of San José Police Department. This project would not trigger the need for new police facilities.**

Schools

As described above, the project site is located within the service areas of Franklin McKinley School District and the ESUHSD. The project proposes the development of 561 residential units on the site, including 201 senior units, which are not anticipated to house school-age children. According to the student generation rate of 0.64 students per unit for the Franklin McKinley School District, the 360 low-income rental and townhouse units on the site could generate approximately 230 elementary school students in the Franklin McKinley School District. Using the ESUHSD's student generation rate of 0.20 students per residential unit, the project would generate approximately 72 high school students. The projected student generation by school district is shown in Table 12, below.

TABLE 12
PROJECTED STUDENT GENERATION

School District	Number of Student-Generating Units	Student Generation Rate*	Student Yield**
Franklin McKinley School District	361	0.64	230
East Side Union High School District	361	0.20	72
Total			**302**

* Student generation rates provide by school districts.
** Student yield equals the student generation rate multiplied by the number of units.

State law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect on the adequacy of school facilities as the payment of a school impact fee prior to the issuance of a building permit. In San José, project applicants can either negotiate directly with the affected school district(s), or they can make a "presumptive payment" of $2.67 per square foot for single-family residential units and $1.93 per square foot for multi-family units. The school district is responsible for implementing the specific methods for mitigating school effects under the Government Code. The school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would partially offset project-related increases in student enrollment.

Short-Term Construction Impacts

As described previously, the project site is located adjacent to the Franklin McKinley Elementary School (refer to Figure 3). While construction of the project would result in temporary disturbance impacts to the school (see discussion of Air Quality and Noise above), with the mitigation measures described in Section *II. A. Land Use*, the proposed project would not significantly impact the operation of the Franklin McKinley School or the use of the school playground areas.

- **The project would be required to comply with the school impact requirements of the City of San José, however, the project would not result in significant physical effects on schools.**

Parks and Recreation

Overall, San José is deficient in park space and does not meet the guideline in its General Plan. The proposed project would add 561 new dwelling units and a number of on-site recreational amenities (playground, swimming pool, and fitness areas), and both private and common open space.

Construction of the proposed project would result in the loss of the five existing ball fields on the site. However, these fields are being replaced as part of another separate project, the Tully Road Multi-Use Facility Master Plan, on a site approximately 0.5 miles east of the site at the southwest corner of Tully Road and Kenoga Drive. The Tully Road Multi-Use Facility Master Plan project has been approved and is currently under construction. Therefore, the proposed project would not cause the permanent loss of the existing ball fields in the area.

The project would generate substantial additional demand for parks and recreational facilities. Impacts to parks and recreational facilities from the proposed residential uses would result from increased demand and use of the facilities during weekdays, especially during afternoon hours and in the summer, when children are typically playing outside. The other residents, including the senior residents, would also be anticipated to use the facilities in the area.

The City of San José's Parkland Dedication Ordinance (Chapter 19.38) and Park Impact Ordinance require parkland dedication, in lieu fees, or a combination thereof. Based upon the types and sizes of proposed housing units, the project would be required to supply approximately 3.85 acres of parkland through dedication or fee payment. Credit can also be obtained for providing private recreation areas on the site. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the Parkland Dedication Ordinance.[26]

The project proposes to include approximately 0.8 acres of private outdoor recreation areas (60 square feet per dwelling unit) and approximately 1.3 acres of common open space on the site. In addition, the project proposes to provide access and enhancements to the park facilities located on the Franklin McKinley Elementary School, adjacent to the project site, which would help meet the demand from future project residents for recreational space. The Housing Authority of the County of Santa Clara along with ROEM Development

[26] Minimum Acreage Dedication = (0.003 acres) x (number of dwelling units) x (average persons per household).

Corporation are entering into a Memorandum of Understanding (MOU) with the Franklin McKinley School District to provide improvements to the recreational facilities on the school property.[27] The following improvements will be provided at the school site to increase the functionality of the recreational facilities on the property:

- The applicant will provide new solid turf to the northwest corner of the existing baseball diamond. The applicant will also provide new play equipment in this area, or provide a mutually agreed amount of fund for the Franklin McKinley School District to purchase play equipment.

- The applicant will move the existing baseball diamond southwest for about 30 feet, to create more open space for recreation. The applicant will be responsible for the costs associated with moving the baseball diamond, including the costs for the relocation, new turf and irrigation systems, and the new fence around the diamond.

- The applicant will provide strong pedestrian connections from the housing development to the future recreation space and facilities.

- The project will provide trees adjacent to the future townhouses on the project site to shield the dust generated by the open field area, and provide a mutually agreed upon amount of fund for the Franklin McKinley School District to enhance the open field area.[28]

- **The project, as proposed would increase demand for parks and recreational facilities beyond that provided in the site area. Therefore, the project would (1) provide private on-site open space and recreational amenities, (2) provide access and enhancements to the park facilities located at Franklin McKinley School (as described above), and (3) comply with the City's Parkland Dedication Ordinance and Park Impact Ordinance through on-site parkland dedication, payment of fees, or a combination of both.**

Library Services

The proposed project would place additional demand on the local libraries, due to the increased number of people these branches would be serving. This increased demand would exacerbate a condition in which the San José Public Library system is already not meeting its service goals. However, as mentioned above, a new branch library has recently been approved on the Tully Road Multi-Use Facility site, approximately 0.5 miles east of the site at the southwest corner of Tully Road and Kenoga Drive. This new library would serve the project site. Therefore, it is not anticipated that the proposed project alone would trigger the need to construct an additional library in the site area.

[27] This MOU is on-file at the City of San José, Department of Planning, Building and Code Enforcement located at 801 North First Street, and is available for review during normal business hours.

[28] Memorandum of Understanding for the Proposed Recreation Space between Santa Clara Fairgrounds Housing Development and Franklin McKinley School, provided by Debbie Hill, ROEM Development Corporation, fax communications, September 2002.

Conclusion: **Although the proposed project would increase the demand for fire, police, school, and library services, it is not anticipated that the project would create the need for any new facilities beyond those existing or proposed. The project would offset increased demand for parks and recreation facilities by provision of on-site amenities and through compliance with the City's Parkland Dedication Ordinance and Park Impact Ordinance.**

IV. GROWTH-INDUCING IMPACTS OF THE PROPOSED ACTION

The CEQA Guidelines [Section 15126.2(d)] require that an EIR identify the likelihood that a proposed project could "foster" or stimulate "…economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." This section of the EIR is intended to evaluate the project's potential to induce such growth in the surrounding environment.

The purpose of the project is to develop 561 residential units on the site. The project site is an infill site, meaning it is well within the City's existing urban boundaries, is already served by existing infrastructure, and has long been planned for urban uses. In addition, the project is consistent with the City's General Plan designation for the site.

The development of the project site, a partially-vacant piece of land surrounded by urban development and planned urban development, would not: (1) induce growth in an area where urban development is not already planned; (2) create a precedent which might lead to excessive or unplanned growth outside of the existing urban service area; or (3) create a significant demand for new infrastructure in an area where urban infrastructure does not already exist.

Based upon the above discussion, the project would not result in significant growth inducing impacts.

V. CUMULATIVE IMPACTS

Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, are considerable or which compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant projects taking place over a period of time. The CEQA Guidelines (Section 15130) state that an EIR should discuss cumulative impacts "when the project's incremental effect is cumulatively considerable." The discussion does not need to be in as great detail as is necessary for project impacts, but it is to be "guided by the standards of practicality and reasonableness." The purpose of the cumulative analysis is to allow decision makers to better understand the potential impacts which might result from approval of past, present and reasonably foreseeable future projects, in conjunction with the proposed project.

The CEQA Guidelines advise that a discussion of cumulative impacts should reflect both their severity and the likelihood of their occurrence. In order to meet the intent of the cumulative analysis requirement, the following discussion reflects the information available from the City of San José as of the date of circulation of this EIR. For example, all traffic analyses prepared for pending development that would potentially impact the same area as the project addressed in this EIR are included in this cumulative analysis. The pending development projects included in this cumulative analysis are presented in Table 13.

It should be noted that a cumulative impact analysis can only look at what is "reasonably foreseeable." Projects which are proposed now may actually be built in phases, or may not be built for many years. The development of all of these sites is unlikely to occur immediately. The actual date at which all of this development would be completed is unknown, but is assumed for the purposes of this analysis to occur within the next three years (by the year 2005). In the interest of ensuring that decision makers have an idea of what might be a worst case condition, the analysis below assumes that all of these projects would be built with no more than the infrastructure the projects themselves are proposing.

1. Cumulative Impacts

Based on the technical analyses prepared for this EIR, the potential cumulative impacts which warrant further consideration include loss of open space, jobs/housing, traffic and circulation, air quality, and noise impacts.

Cumulative Loss of Open Space

Much of the land represented by the list of projects in Table 13 are geographically proximate to the project site. Some of the sites are developed; others are vacant, or underutilized. The combined development of the vacant properties, with the proposed project, would result in a noticeable reduction in the amount of open space in the general vicinity. However, these pockets of open space are infill sites, within the urbanized area of San José, which are planned for urban uses.

TABLE 13 LIST OF CUMULATIVE PROJECTS		
Project Title	**Location**	**Proposed Development**
Monterey/Branham Residential Development (PDC01-086)	Monterey Road and Branham Lane	180 apartment units
National Hispanic University	North side of Story Road, east of South White Road	61,864 square feet of educational/day care facility
County of Santa Clara Fairgrounds Revitalization Project	County Fairgrounds Property (344 Tully Road)	Performing Arts Theater (8,300 square feet), Regional Recreation Center (70,000 square feet), and R&D Office (270,000 square feet)

The City of San José has an approved General Plan Land Use/Transportation Diagram that identifies land that should be protected as long-term open space, to offset the planned urbanization of lands within the City's Greenline/Urban Growth Boundary. In the project area, these areas include the Kelly Park regional facilities, the Coyote Creek Park Chain, local parks, and the private open space represented by the Oak Hill Cemetery. The cumulative loss of open space resulting from the scattered project sites listed in Table 13 would be less than significant.

- **The project would contribute to the less than significant cumulative loss of open space. (Less Than Significant Cumulative Impact)**

Cumulative Jobs/Housing Imbalance

The project would contribute to a cumulative increase in the number of housing units in the region, and therefore, would contribute to the exacerbation of San José's existing jobs/housing imbalance.

As discussed in Section *I. F. Consistency with Adopted Plans and Policies*, of this EIR, while the project would increase the number of housing units in a City that already has more housing than jobs within its boundaries, the proposed residential development is consistent with planned growth for the area and conforms with the General Plan Land Use/Transportation Diagram designation for the site. For these reasons, the cumulative increase in the number of housing units in the City would not be considered a significant cumulative impact.

- **The project would not add residential units beyond those planned for in the City's General Plan. (Less Than Significant Cumulative Impact)**

Cumulative Traffic Impacts

The trip assignments for those pending developments were added to the project's trip volumes to determine the volumes for cumulative conditions on the study intersections. Cumulative traffic volumes, lane configurations (including planned improvements as discussed previously under the Background Conditions scenario [refer to Section *II. H. Traffic, Transportation and Circulation*]) and signal timing and phasing were input to the level of service calculation methods. The AM and PM peak hour trip generation of the pending development projects is provided in Appendix F of this EIR. The resulting levels of service for these intersections under cumulative conditions are presented in Table 14. The intersection levels of service shown in Table 14 should be compared with the background conditions shown in Table 7 of this EIR.

Although San José's Transportation Level of Service (LOS) Policy identifies specifically when an individual project's impacts are significant, San José has no quantitative threshold to determine when an individual project's contribution to an impacted intersection is considered "cumulatively considerable." All development approved, in the project area and elsewhere, contributes incrementally to the deterioration of intersection levels of service in the area. The proposed project would have a measurable, but numerically less than significant contribution to the cumulative levels of service at the intersections in the site vicinity.

- **The project would not significantly contribute to cumulative intersection level of service impacts. (Less Than Significant Cumulative Impact)**

TABLE 14
CUMULATIVE CONDITIONS INTERSECTION LEVELS OF SERVICE

#	Intersection	AM Peak Hour		PM Peak Hour	
		Avg. Delay[1]	LOS[2]	Avg. Delay[1]	LOS[2]
1	Monterey Highway & Alma Avenue	28.6	D	30.3	D
2	South Seventh Street & Alma Avenue	18.1	C	17.6	C
3	South Tenth Street & Alma Avenue	16.6	C+	17.0	C
4	Senter Road & Alma Avenue	7.6	B	11.2	B
5	McLaughlin Avenue & Tully Road	35.6	D	39.1	D-
6	Senter Road & Tully Road	29.4	D	38.7	D-
7	South Tenth Street & Tully Road	16.0	C+	22.7	C
8	South Seventh Street & Tully Road	23.6	C	29.4	D+
9	Monterey Highway & Tully Road	5.5	B+	14.5	B-
10	Monterey Highway & Curtner Avenue	30.6	D	38.4	D-
11	SR-87 NB Ramps & Curtner Avenue	20.6	C	28.4	D
12	SR-87 SB Ramps & Curtner Avenue	16.3	C+	12.9	B
13	Senter Road & Umbarger Road	8.0	B	8.1	B
14	Monterey Highway & Umbarger Road	14.0	B-	18.0	C
15	Monterey Highway & Lewis Road	11.3	B	15.0	B-
16	Monterey Highway & Capitol Expressway North Ramp	11.7	B	12.7	B
17	Monterey Highway & Capitol Expressway South Ramp	27.4	D+	12.7	B
18	Senter Road & Capitol Expressway	32.2	D	50.5	E
19	McLaughlin Avenue & Capitol Expressway	29.6	D	37.8	D-
20	Proposed Project Access Intersection on Tully Road	8.9	B	13.3	B-

[1] Average Delay – per vehicle, in seconds.
[2] LOS – Level of Service.

Cumulative Air Quality Impacts

The Bay Area is experiencing continued growth in population and vehicle use that will affect the emission of regional pollutants such as reactive organic gases and nitrogen oxides. Current projections are that regional emissions of these pollutants will decrease in the future, despite cumulative growth in population and vehicle use, due to regional programs for reducing emissions that are in place or are currently being considered.

Under cumulative conditions, the project would contribute to air quality exceedances of local and regional air pollutants. BAAQMD guidance for CEQA documents provides that a project found not to have a significant air quality impact would also not have a significant cumulative impact. The proposed project would therefore not significantly contribute to cumulative impacts on local carbon monoxide concentrations and regional air quality.

- **The project would not significantly contribute to cumulative local and regional air quality impacts. (Less Than Significant Cumulative Impact)**

Cumulative Noise Impacts

The proposed project would increase traffic volumes on local public streets. For traffic noise to increase noticeably, existing traffic volumes must double. While the proposed project would increase traffic volumes and congestion on the overall roadway network and in the site vicinity, traffic volumes would not double on any roadway in the vicinity as a result of the cumulative traffic.

As described previously, there is a development approval pending for a medical clinic on the property adjacent to the project site, to the west. The construction of these two projects would result in greater short-term noise and disturbance impacts than would result from the project alone. However, the construction noise mitigation measures, included as part of both projects, would reduce this combined short-term impact. Therefore, development of these two projects is not anticipated to result in cumulatively considerable short-term noise impacts associated with construction.

- **The project would not contribute to cumulatively significant long-term or short-term noise impacts. (Less Than Significant Cumulative Impact)**

Other Cumulative Impacts

Based upon an evaluation of available information on file with the City of San José, it is concluded that cumulative impacts in the subject areas of land use, soils and geology, hydrology and water quality, cultural resources, hazardous materials, noise and utilities and services would not be significant.

Much of the development evaluated as "reasonably foreseeable" would take place over an extended period of time. The construction impacts of these cumulative projects would, therefore, also be occurring over this extended time period. While construction of these projects would cause localized impacts as a result of noise and traffic effects, these cumulative impacts would not be significant.

- **The project would not contribute to significant cumulative impacts in the areas of land use, soils and geology, hydrology, cultural resources, hazardous materials, noise, or utilities and services. (Less Than Significant Impact)**

VI. SIGNIFICANT, UNAVOIDABLE IMPACTS OF THE PROJECT

If the project is implemented, the project would have the following impact that could not be mitigated to a less than significant level:

- The senior housing building, closest to Tully Road, would include an outdoor balcony for each apartment unit. Some of these balconies would face Tully Road, and therefore would be exposed to existing noise levels of approximately 73 dB Ldn. The senior housing building would be constructed with a central courtyard, which would be shielded from Tully Road noise, in order to provide additional outdoor use areas not impacted by existing noise, however, this impact would be considered significant and unmitigated.

VII. ALTERNATIVES TO THE PROPOSED PROJECT

CEQA requires that an EIR identify alternatives to a project as proposed. The CEQA Guidelines [Section 15126.6(a)] specify that the EIR identify alternatives which "would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." The purpose of this section is to ascertain whether there are alternatives of design, scope or location which would substantially lessen the significant impacts, even if those alternatives "impede to some degree the attainment of the project objectives" or are more expensive [Section 15126.6(b)].

In order to comply with the purposes of CEQA, it is important to identify alternatives that reduce the significant impacts which are anticipated to occur if the project is implemented, but to try to also meet as many of the project objectives as possible. The Guidelines emphasize a common sense approach; the alternatives should be reasonable, should "foster informed decision making and public participation, and should focus on alternatives that avoid or substantially lessen the significant project impacts." The proposed project would result in significant unmitigated noise impacts to the exterior balconies in the senior building along Tully Road. Mitigation was identified that could be required to reduce this impact to a less than significant level. The alternatives discussed in this section would be capable of avoiding or lessening the significant unmitigated noise impacts and those impacts which are reduced through mitigation measures included in the project. These other impacts include water quality, biological resources, and short-term air quality and noise impacts.

An EIR is required to consider a "No Project" alternative, which "compares the impacts of approving the proposed project with the impacts of not approving the proposed project." In addition, logical alternatives which might reduce the significant impacts identified for the proposed project would include a Reduced Density Alternative, an Alternative Unit Mix, a Park Alternative, and an Alternate Location. A different location should be considered only if it is capable of avoiding or reducing some or all of the potentially significant impacts identified. Each of these alternatives is discussed below.

A. NO PROJECT ALTERNATIVE

The "No Project" Alternative consists of not constructing the proposed residential development and leaving the site in its present condition. Under the No Project Alternative, the vacant dirt lot on the northern portion of the site would continue to be used by the Fairgrounds Management Company for equipment storage and overflow parking. However, because a new ball park facility has been approved approximately 0.5 miles east of the site, on Tully Road, the existing baseball fields would not continue to operate on the site under the No Project Alternative.

The No Project Alternative would completely avoid all of the identified physical impacts anticipated to occur as a result of the project.

Conclusion

The No Project Alternative is environmentally superior to the proposed project, since it would avoid the physical impacts of the project. However, while the No Project Alternative would avoid the identified environmental impacts of the proposed project, it would not meet any of the project objectives, of providing high-density residential units on the site dedicated to low-income occupancy. Therefore, the No Project Alternative would not achieve the benefits anticipated from the project, including the provision of affordable housing units on an infill site, which would be marketed to

public agency employees in the County. In addition, under the No Project Alternative, the City's objective of generally increasing housing opportunities within San José's urban area would not be met.

B. REDUCED DENSITY ALTERNATIVE

A Reduced Density Alternative to the project as presently proposed would be a lower density residential development, representing a less intense use of the site. The Reduced Density Alternative assumes the same percentage of unit types as the proposed project. The Reduced Density Alternative would include a total of 285 units on the site, consisting of 105 senior units, 150 low- and very low-income multi-family units, and 30 townhouses, as shown in Table 15, below. The overall density would be approximately 25 dwelling units per acre.

TABLE 15
BREAKDOWN OF RESIDENTIAL UNITS UNDER PROPOSED PROJECT AND REDUCED DENSITY ALTERNATIVE

Type of Unit	Proposed Project		Reduced Density Alternative	
	Number of Units	Percentage of Total Units	Number of Units	Percentage of Total Units
Senior	201	35.8	101	35.8
Low and Mixed Income	300	53.5	150	53.5
Townhouses	60	10.7	30	10.7
TOTALS	**561**	**100**	**285**	**100**

The number of units in this alternative might be incompatible with podium development. Parking would then be in surface garages, carports, and open lots. Since podium parking spaces can be covered with landscaping and useable open space, but carports and parking lots cannot, this alternative could result in less common open space and landscaping. Building height for the senior and multi-family apartment buildings could be reduced, to two- and three-story structures.

Because this alternative would substantially reduce the number of units on the site, it is likely that the significant unmitigated noise impacts at the balconies along Tully Road could be avoided. This could be accomplished either by increasing the distance of these balconies from Tully Road, or by removing any balconies from the side of the senior building facing Tully Road.

The Reduced Density Alternative would reduce the amount of traffic generated on the site, roughly by half, thereby reducing incremental traffic impacts to the surrounding area. Specifically, a reduction in traffic would reduce the project's contribution to the cumulative traffic congestion at the Tully Road/McLaughlin Avenue intersection.

While the proposed project would not result in significant air quality impacts, the reduction in traffic trips associated with the Reduced Density Alternative would also result in a corresponding reduction in the project's less than significant regional air quality impacts. Overall construction impacts related

to clearing and grading operations, such as short-term noise, dust and water quality impacts, would be comparable to the proposed project. In addition, the biological resources impacts would be similar to the proposed project. The Reduced Density Alternative would be affected by the same existing high ambient noise levels as the proposed project.

Conclusion

The Reduced Density Alternative is environmentally superior to the proposed project, because it would reduce many of the project's less than significant impacts.

In order to meet the regional demand for housing, particularly affordable housing, the City is pursuing the development of housing on all suitable and appropriate infill sites within the urban envelope. The Reduced Development Alternative would not provide the same number of units on the site, and would be less consistent with this objective.

C. PARK ALTERNATIVE

Another design alternative to the proposed project would be a site layout that includes one acre of parkland. A small park will help meet the project's own need for park space, and minimizes the amount of land removed from the residential development. Because the City prefers to have public parkland adjacent to public roadways, for the purposes of this discussion, this alternative assumes that the parkland would be located on the northern portion of the site, adjacent to Tully Road and the entrance drive (refer to Figures 4 and 5). Because one acre would occupy nearly ten percent of the site, the Park Alternative assumes that the number of proposed residential units would decrease by ten percent under this alternative scenario, to a total of approximately 505 units. This Park Alternative assumes the same percentage mix of unit types as the proposed project.

This Park Alternative would incrementally reduce some of the project's less than significant impacts. The Park Alternative would also reduce the number of traffic trips generated by roughly ten percent. This reduction in traffic would reduce the project's less than significant contribution to the cumulative traffic congestion at the Tully Road/McLaughlin Avenue intersection.

In addition, the reduction in traffic trips associated with the Park Alternative would also result in a corresponding reduction in the project's less than significant regional air quality impacts. However, construction noise, dust and water quality impacts would be comparable to the proposed project. The Park Alternative design would also be affected by the same existing high ambient noise levels as the proposed project.

Conclusion

The Park Alternative is environmentally superior to the proposed project, because it would incrementally reduce the project's less than significant traffic and air quality impacts. Other impacts, such as land use, hydrology and drainage, or biological resources impacts, would be comparable to the proposed project. Construction impacts related to clearing and grading operations, such as short-term noise, dust and water quality impacts, would also be comparable to the proposed project.

This alternative would conform to the General Plan Housing Major Strategy, by still providing a substantial number of low- to moderate-income housing units on the infill site, at a density of approximately 44.3 DU/AC, which conforms with the *High-Density Residential (25-50 DU/AC)* Land Use/Transportation Diagram designation. In addition, the Park Alternative would provide beneficial park and recreational facilities at the site to serve the project and the vicinity, which the

San José General Plan Parks and Recreation policies encourage near high-density residential projects. Even though the Park Alternative would reduce the number of housing units on the site by nearly ten percent, this alternative would also be consistent with General Plan policies, and would be more consistent with General Plan Parks and Recreation goals and policies.

D. ALTERNATIVE SITE LOCATION

The CEQA Guidelines [Section 15126.6(f)(2)(A)] require that an EIR identify an alternative location that "would avoid or substantially lessen any of the significant effects of the project." An alternative site that might reasonably be considered to "feasibly accomplish most of the basic purposes" of the project would be a centrally-located, infill site within the City of San José's urbanized area, which could accommodate approximately 561 residential apartment and townhouse units.

There are no specific alternative infill sites in central San José known to the City, whose development with 561 residential units would result in substantially less environmental impacts. More importantly, in order to meet the regional demand for housing, particularly affordable housing, the City is pursuing the development of housing on all suitable and appropriate infill sites within the urban envelope. It is the City's goal to maximize the potential for new residential units within the City. Therefore, moving the proposed project to another location would essentially eliminate other housing planned for that location. In other words, developing this project on another infill location would limit the total number of units that can be added in San José, and this is not consistent with the City's housing goals.

Choosing an alternative location site outside of the urban area would not be consistent with the Greenline/Urban Growth Boundary Major Strategy in the City's General Plan (refer to Section *I. F. Consistency with Adopted Plans and Policies*, of this EIR).

Conclusion

The purpose of the project is to develop high-density residential units on the site, in order to help meet the City's objective of maximizing housing opportunities on infill sites throughout the City. The development of an alternative location would limit the total number of units that can be added in San José, and would not be consistent with the City's housing goals. Regardless of the City's objectives, development of the project at other location would not likely avoid or substantially reduce the project's environmental impacts.

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. Based on the above discussion, the environmentally superior alternative is the No Project Alternative, because all of the project's significant environmental impacts would be avoided. However, Section 15126.6(e)(2) states that "if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives."

Therefore, for purposes of this project, the environmentally superior alternative would be the Reduced Density Alternative, because the environmental impacts would be substantially less than the proposed project, Park Alternative, and Alternative Site Location options. This alternative would meet some of the project objectives. However, because the Reduced Development Alternative would provide substantially fewer affordable housing units on this infill site, it would not fully meet the project's objectives and would not be consistent with the City's goal of maximizing housing opportunities throughout the City.

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